[California. Legislature.

ASSEMBLY, INTERIM COMMITTEE ON
ELECTIONS AND REAPPORTIONMENT]

CALIFORNIA
STATE LIBRARY
DEC 26 1961
DOCUMENTS SECTION

Transcipt of Hearing,

September 1,1961

Room 115, State Building
217 West First Street
Los Angeles, California

Members of the Committee

ROBERT W. CROWN, Chairman
WILLIAM S. GRANT, Vice-Chm.

TOM BANE
GEORGE E. BROWN, JR.
PHILLIP BURTON
JOHN A. BUSTERUD
CHARLES J. CONRAD
EDWARD E. ELLIOTT
LOUIS P. FRANCIS
FRANK LUCKEL
CHARLES W. MEYERS
WILLIAM A. MUNNELL
NICHOLAS C. PETRIS
BRUCE V. REAGAN
THOMAS M. REES
JESSE M. UNRUH
GEORGE A. WILLSON

Members of the Staff

LOUIS J. ANGELO, Consultant
BETTY COOK, Secretary

INDEX OF WITNESSES
(In Order of Appearance)

	Page No.
Hon. Robert W. Crown, Chairman Review of Organizational Procedure	1-5
Hon. Louis Francis, Assemblyman, 25th District Presentation of AB 1263 and introduction of witnesses	5-6
Mr. W. P. Strube, Jr., Pres. Mid-American Life Insur. Co.; Vice-President Christian Anti-Communism Crusade, Houston, Texas	6-16
Mr. W. Cleon Skousen, Former FBI Agent and author of "The Naked Communist", Salt Lake City, Utah	31-38
Mr. Herbert Philbrick, Former FBI Agent and author of "I Led 3 Lives", Rie Beach, New Hampshire	43-46
Dr. John R. Lechner, Executive Director of the Americanism Education League, L. A.	48-53
Mr. Norman H. Moore, Chairman of Committee on Subversive Intervention into Law Enforcement Operations and Vice-President of the National Council of Police Associations	53-66
Mr. Roscoe Morse, Commander of the California Department of the American Legion	67-73
Capt. E. Richard Barnes, USN (Retired), Former Dist. Chaplain, 8th Naval District, San Diego	73-83
Commander Paul Terry, USN (Retired); Dir. of Department of Education, Copley Newspapers, San Diego	83-90
Mr. Karl Prussion, Former Undercover Agent, FBI, Los Altos	90-98
Col. C. L. Bartlett, U.S.A.(Retired), Representing Military Order of World Wars, Pasadena	105-108
Capt. P. A. Horton, National Americanism Chairman of the National Sojourners; Americanism Chairman of the County Council of the American Legion	109-116
Ms. Clara McDonald, Legislative Representative of the United Patriotic People of U.S.A., Inc.	116-117
Hon. Louis Francis, Assemblyman, 25th District Closing Statement	118-123

CHAIRMAN CROWN: This is a meeting of the Assembly Interim Committee on Elections and Reapportionment. Will you call the roll please.

SECRETARY: Bane, Brown, Burton, Conrad, Elliott, Francis, Meyers, Petris, Reagan, Rees, Unruh, Grant, Crown.

CHAIRMAN CROWN: We are here today for two purposes. One is for the organizational meeting of this Interim Committee; the other is to hear testimony on AB 1263 pertaining to the Communist Party on election ballots in California. We will proceed initially with the organizational meeting and at conclusion of that meeting you will hear testimony upon the bill.

It has been recommended that careful study be given to the following subject matters: (1) Party Reorganization: The 1959-60 Interim Committee was asked on numerous occasions to give this matter careful review. Considerable interest has been generated concerning possible reorganization of the official party structures in California. I have suggested that the Committee hold two full hearings on the subject, one in northern California and one in southern California. (2) Voter Registration Methods and Practices: Considerable progress has been made in the general area of voter registration. Perhaps one hearing will be sufficient on this subject matter. (3) Voting Machines and Vote Tabulating Devices: This subject matter requires continued study since most of our counties do not yet use mechanical voting or tabulating devices. At least one hearing will be set aside for this subject. (4) Bills referred for interim study by this Committee; any member may ask to be heard at this time as to his opinions of any of these bills:

AB 1647 (Cunningham), voter registration and also the following bills on voter registration; AB 107 (Conrad), AB 606 (Burton), AB 2386 (Burton). On the subject of voter participation: HR 248 (DeLotto), HR 91, (Allen,D.) vote tabulation, HR 389 (Conrad) vote tabulating devices, HR 3080, (Burton) election campaigns, HR 388 (Brown,Geo.) campaigns, AB 829 (Wilson, C.) county central committees, AB 2312 (DeLotto) state and county central committees. On single items: AB 755 (O'Connell) party ballot designation, AB 1263 (Francis), which we will hear today, Communist Party in primary elections, AB 1747 (Z'berg) election officers, AB 2948 (Wilson, C.) political corporations, AB 3084 (Burton) time of the General Election, ACA 83 (Lanterman) assemblyman qualifications. Also budget items, special district elections, Board of Equalization reapportionment. Research is contemplated on the possible need for Board of Equalization district reapportionment. There may be some study given to the method of conducting local and special district elections. The Committee has received some complaints on this subject which may require investigation. Does any member of the Committee wish to be heard on any of these matters at this time? Mr. George Brown.

ASSEMBLYMAN BROWN: Mr. Chairman, you have listed HR 388 with regard to campaigns which I'm the author of, I'd like to offer a comment with regard to this if I may.

CHAIRMAN CROWN: Yes, proceed please.

ASSEMBLYMAN BROWN: This is not a subject which I think requires extensive scheduling of hearings; however, it is a matter which could be appropriately considered for a brief

period in connection with a number of other hearings. It also might be the subject of some staff investigation. I would like to recommend that it be considered in that light after we have had a chance to discuss it a little bit more with you.

CHAIRMAN CROWN: All right, thank you Mr. Brown. Does anyone else wish to be heard? Mr. Conrad.

ASSEMBLYMAN CONRAD: Mr. Chairman, I think you'll recall that AB 107 was scheduled for today and was dropped out of courtesy to Mr. Francis. This, of course, is Ben Hite's bill, and I would like the privilege of presenting that with Mr. Hite at some future time.

CHAIRMAN CROWN: We will note that in the record, Mr. Conrad.

ASSEMBLYMAN CONRAD: So far as my vote tabulating resolution, I think that could well fit into Item No. 3.

CHAIRMAN CROWN: All right, thank you.....Mr. Rees.

ASSEMBLYMAN REES: Mr. Chairman, I wrote you a letter about a month ago concerning the cost and availability of a public media and private media during campaign time.

CHAIRMAN CROWN: Yes, that's right.

ASSEMBLYMAN REES: I hope that some study can be done on this where there is a very obvious differential in cost for political medias compared with normal advertising media, also the availability in terms of tie-ins.

CHAIRMAN CROWN: Yes, I believe you received the Committee's letter on that Mr. Rees. I share with you your interest in this subject and recognize the necessity for a hearing on the matter. Thank you very much. Any other member of the Committee wish to be heard on these matters?

Gentlemen of the Committee, each of you has before him a

draft of the final report of the Interim Committee on Elections and Reapportionment dealing in the main with the subject of reapportionment. Please when you have time will you read that and decide whether or not you wish to sign the final report.

Is there any other testimony or statements to be made on the subject of our interim work? We will then proceed to the matter of a hearing on Assembly Bill 1263.

Now ladies and gentlemen, we all recognize that this is a highly inflammatory subject. It is of course the wish of the Chairman and of the Committee that testimony be restricted to the matter at hand. The subject matter pertains to whether or not the existing law in the State of California is adequate to prevent the Communist Party from appearing on the ballot. Therefore, the Chairman of this Committee will make it quite clear at the outset that this is the only testimony that will be received today. There will be no testimony as to whether or not any individual is a member of the Communist Party. This is not the proper forum for that testimony. Because of the very large number of witnesses who have requested the right to appear in favor of this bill, the Chairman had to make a decision as to whether or not he would entertain testimony on both sides of the issue today. Mr. Francis has already indicated that eleven witnesses wish to be heard in favor of the bill and that there may be other witnesses who also desire to be heard. Since this is Mr. Francis' bill, we felt that those people who wish to speak in favor of AB 1263 should be given the first consideration. I have spoken to those witnesses who intended to speak in opposition to the bill, and they have graciously agreed with me. If there is insufficient time for any of the witnesses who wish to speak against the bill to appear, I will be

perfectly willing to hold another hearing at a subsequent time so that they may also be heard. However, if during the course of this hearing, someone insists upon testifying in opposition to the bill, the Chair will permit that person to testify. I've spoke with Mr. Francis about the manner in which this hearing will be conducted, and he agrees with the Chair. Is that correct, Mr. Francis? Mr.Francis will you call your first witness?

ASSEMBLYMAN FRANCIS: Mr. Chairman and members of the Committee, I would like to make a brief opening statement. We have some national leading authorities here as witnesses and I am sure that they are much more qualified on this subject matter than I am, so I'll make my statement very brief. I request the Chair that I be able at a later time if time permits, to summarize the points made by authorities in support of this bill. As the Chair knows, and perhaps members of the Committee, there is a very critical question of legality. Briefly, the past history of this legislation, as you know, back in 1940, we had a statute that provided that the Communist Party should be prohibited on the ballot. In 1942 the famous Communist Party v. Peek, held that this statute was unconstitutional because, at that time, the Court refused to take judicial notice that the Communist Party was a continuing conspiracy which advocated the overthrow of the government by force, violence or other unlawful means. In 1953, in order to overcome this statute, the present law was enacted excluding the Communist Party. This was a bill that was introduced by Assemblyman Charles Edward Chapel of Inglewood. Since 1942, it has been consistently held by court decisions and legislative determinations that the Communist Party is a continuing conspiracy which advocates the overthrow of the government by

force, violence or other unlawful means. It is seriously contended that this proposed legislation if enacted into a law would be held to be constitutional today because the situation has changed considerably since 1942 when the Soviet Union was our ally during World War II. The Communist Party, U.S.A., is not a political party in any sense of the word. In any event the Legislature has a right to determine the test and conditions of any party or persons who participate in the primary election under our Constitution. It is ridiculous that we should permit the Communist party to have the cloak of legality. If this bill is passed it certainly would facilitate the proof that is required to demonstrate that an organization advocates the overthrow of the government. This bill, if it is held constitutional in the event that it is enacted into law, would be much more effective than the present law because it would alleviate the necessity of determing, by independent proof, that the Communist Party does or has engaged in the subversive acts listed in the particular section.

Mr. Chairman, and members of the Committee, I would like to present now as the first witness, Mr. W. P. Strube, Jr., President Mid-American Life Insurance Company, Secretary and Director of the Christian Anti-Communism Crusade. He is from Houston, Texas.

MR. STRUBE: Mr. Chairman, members of the Legislature, distingished guests, it is a privilege to be invited to appear before this Committee hearing. I am W. P. Strube, Jr., President of Mid-American Life Insurance Co. in Houston, Texas and currently serving as Vice-President of the Christian Anti-Communist Crusade. In opening, I'd like to point out that the Christian Anti-Communism Crusade is an educational organization and cannot participate in either lobbying or political partisan politics. We, in turn, can present

information to this hearing upon which legislation can be adjudged and adjudicated. I trust that the material presented will be received in that light.

First, I'd like to point out that Communism basically is not just a political party. This was made very clear by Mr. Boris H. Klosson with the United States State Department, in a film produced for the United State Army entitled "Communist Blueprint for Conquest". In this particular film, Mr. Klosson points out that it is basically a conspiratorial regime that is intent on conquering the entire world. Mr. Klosson also pointed out that in the communist satellite nations of eastern Europe, with the exception of Czechoslovakia, there is no such thing as a Communist Party. We find this also to be the case in Cuba which was officially declared a communist satellite nation by the United States government on December 3,1960. I can assure you they did not come to power under the banner of the Communist Party. We find that about a week ago, in British Guiana a pro-communist government came to power under the leadership of Cheddi Jagan. They did not come to power under the leadership of the Communist Party; rather, they came to power under the guise of the People's Progressive Party. Throughout the Carribean area, we find the Communist conspiratorial apparatus moving, not under the flag of the Communist Party, but instead they are moving under the banner of the People's Progressive Parties and other such titles.

Communism fundamentally and basically is a conspiracy intent on conquering the entire world. I'd like to introduce some of their own material in evidence to substantiate the statement: Exhibit A, a book entitled "How to be a Good Communist", written by Liu Shao Chi. He is today, President of the People's Republic of China, the

number two man in China and probably the world's leading Marxist in his sphere today. He is the man that Nikita Krushchev embraced in Lenin stadium last November as a part of the opening exercises of the 43rd Anniversary of the Bolshevik Party. This book was first published in October 1951 by Foreign Languages Press in Peiking, China. Lui Shao Chi, on page 39, makes the following statement: "What is the most fundamental and common duty of us Communist Party members? As everybody knows it is to establish Communism to transform the present world into a Communist world".

Exhibit B: I'd like to offer for your consideration the book entitled "The Twilight of World Capitalism", by William Z.Foster. He is chairman emeritus of the Communist Party, United States of America. This book was published and copyrighted in 1949 by International Publishers New York City. Mr. William Z. Foster makes this emphatic dedication: "To my great grandson Joseph Manley Kolko, who will live in a Communist United States".

We find that on July 6th, 1960, Nikita Krushchev was reported in our newspapers across the nation as wanting "to see the red flag over the whole world". To substantiate this I would like to quote the following from the Houston Chronicle: "Life is short and I (Krushchev) want to see the red flag float over the whole planet in my own life time." On April 17th this year Nikita Krushchev celebrated his 67th birthday. As the president of a life insurance company, I tell you that his normal life expectancy is less than fifteen years, and he says he wants to see the red flag fly over the whole planet in his own lifetime. Now, of course, any one that might still seem to be skeptical, I'd like to read to you from a United States Newspaper Association Press

release, Moscow dateline May 12th, 1961. I'm reading from the Courier Journal of Louisville, Kentucky, Saturday, May 13th. The headline on the article "Reds Will Rule the World, Nikita Insists." His emphatic statement is this: "Premier Nikita S. Krushchev insisted Friday that Communism will be in control of the world one day and without using bayonets or rockets." Now I might remind you in reading from these documentations that I've just presented, I have not been reading from some government hearing; I have not been reading from some supernationalistic or patriotic organization; it seems in this country today that it is almost a crime to be superpatriotic; but, however, I am very unashamedly American. But I am reading to you.....I am reading to you....

CHAIRMAN CROWN: Just a moment please, the Chair will admonish the audience that it will not tolerate any outburst either for or against any witness. Now will you proceed please.

MR. STRUBE: Thank you, Sir. Keep in mind I have read to you from the original Communist publications and they are proposing world domination. Now in the expediency of time, I would refer all those interested in this matter to an address called "Communism a Conspiracy" which I had the privilege of delivering before the Louisiana State Legislature in consideration of legislation in that area pertaining to the teaching of anti-communism in the public schools. I might say that the bill was later passed. So if the Chair pleases, I will introduce that as further evidence.

Secondly, I would like to propose that Communism basically is a disease. It's a disease of the body because it kills. It has killed millions and it proposes to kill millions more. Several

evidences that it does kill: (1) An Episcopal bishop who was in China; lived there, captured, imprisoned, submitted to horrible indecencies, later providencially gaining his freedom, is now in the United States. He wrote a book entitled "Now I Can Tell" regarding the Communist conspiratorial regime in China. On the last page of that book, the author Bishop Quinton Wong points out that the Chinese Communists have put to death 43,400,00 since they've taken over China. We find that a Lutheran missionary by the name of Martinson in his book "Red Dragon Over China" points out the Communists have put to death not less than 50 million. Nikita Krushchev today is at the pinnacle of power of the Communist Party simply because he has personally been responsible for the mass liquidation of more individuals than any other single individual in the Communist conspiratorial regime. If you want to see Communism truly in action, including Nikita Krushchev, Malenkov, Voroshalov, Vishinky, and the others, I challenge you to take a look at the United States State Department film produced in cooperation with the U.S. Information Agency entitled "My Lativia". See how the Communist Party operated in that country, again, not under the guise of the Communist Party per se. We find the very ones that we're bringing to this nation and wining and dining and giving the keys to our city are the very ones that have been in the leadership in the subjection and brutal massacre of the peoples of every country they have yet taken over to this date. Communism is a disease of the body because it kills.

It's a disease of the mind because it is associated with systematized delusion, not susceptible to rational argument. It is a disease of the spirit because it denies God, materializes man, and in the last analysis leaves him about the level of the beast

of the field. They propose to conquer the world and then to regenerate mankind through the principles of animal husbandry. To substantiate that statement I'll again refer to Mr. William Z. Foster's book "The Twilight of World Capitalism". On page 151, Mr. Foster states: "The law of natural selection which built the marvelous complexities of plant and animal species can no longer work spontaneously. Now the evolution of the human species must beat on artificially by the conscious action of man himself." For further evidence on the fact that Communism is a disease, I will present in evidence a pamphlet entitled "Communism a Disease", the testimony of Dr. Fred C. Schwarz, the president of the Christian Anti-Communism Crusade speaking before the Texas Legislature. This was probably the first time an outside speaker's address was ever officially recorded in the House Journal of the State of Texas.

Communism, in addition to being a conspiracy and a disease, is a monopoly. It is the world's largest monopoly today. Krushchev is the richest man on the face of this earth today. He has at his disposal 41% of the world's iron ore, 88% of the world's manganese, 53% of the world's coal, 60% of the world's peat, 11% of the world's oil, 54% of the world's combined reserves of tungsten, mercury, mica, potash salts, copper, lead, zinc, nickel and bauxite. Communism, in turn, is using not only its raw materials in its conspiratorial program for conquest, it is using its production and it is, in turn, operating under monopolistic practices throughout the world destroying the free world markets step by step, item by item. We find that a few years ago, they bought tin at about ten percent below world market prices, stock-piled it and then later dumped it when it was to their advantage

to do so, wrecking the economy in Bolivia. We find that they have done the same thing in cotton with Egypt. We find, Lenin, a few years back, making the statement that if they could ever surpass the United States in major industrial output that that would signal world Communist victory. They propose to do that within the next seven years. We find that they are also fulfilling another statement by Lenin wherein Lenin said that American businessmen would buy the hemp from Russia to hang themselves. We're finding businessmen in this country cooperating for their own destruction. We find in through the Port of Houston alone in 1958, three and one-half million dollars worth of goods came through that port from Communist countries. We had businessmen, I'm sorry to report, in the State of Texas that bought it simply because the price was cheaper. We had one major company in South Texas contracted to buy $13,500,000 worth of benzene from Russia at six cents a gallon less than what they could have purchased it for from a plant less than 75 miles away. Again overlooking the fact that Communism basically is a monopoly, we find our oil men throughout the nation today very vitally concerned over the fact that the Communists are selling oil to India at 25% below world market prices, and they're selling oil in the Mediterranean area at a dollar a barrel. We are finding members of NATO even buying it simply because it's cheaper. Gentlemen, the Communists do not sell for profit, that word does not exist in their proletarian vocabulary. They sell purely and simply for conquest. It is apalling to find that out of the Port of Houston recently, we are now shipping scrap iron to Yugoslavia. I was even more apalled this morning to read in your own Los Angeles papers that we are allowing jet aircraft to be sent to Yugoslavia. Keep in mind Tito communism or Mau Te Sung communism or Kadar communism, or Gromyko communism is still Communism.

It is cancerous and though there are a number of types of cancer, they are all equally lethal. We must see this as a world conspiracy, as a monopoly. Again, I'll introduce for your consideration a presentation before the Associated Industries of Missouri detailing even more of this as a monopolistic regime intent on grabbing off the free world markets, ultimately enslaving it and using the productive capacity that our free enterprise system has developed wherein we've taken six percent of the land mass of the world, 7% of the population of the world and been privileged to present 42% of the wealth of the world and this is what the Communists don't like and they want to take it and divide it up equally among all peoples primarily for their own benefit.

Lastly, Communism fundamentally and basically is a religion. The political and economic aspects of Communism is nothing more than a superficial shell to conceal its satanic and diabolical nature. It is a religion. It is moving throughout the world on principles that have been counterfeited from biblical techniques.

There first step in the take-over of any nation historically has been the conquest of the student mind. This is a counterfeiting of Hebrew scriptures, Proverb 22:6, wherein it says "train up a child in the way he should go and he'll not depart therefrom when he gets old." Their missionary program throughout the world is indigenous and autonomous, in India they're using Indians, in Africa they're using Africans, in Mexico they're using Mexicans, and in America they're using Americans. It's not healthy in the Communist Party in America to disagree with the Kremlin. Communists previously have learned this to their own sorrow. I might point out to any Communist who may ultimately read this, it has been said that the first to be liquidated in this country if the Soviet is ever suc-

cessful in taking over will be the American Communist Party. This is, I believe, the Grace of God that those who have helped take over any nation, and Cuba will bear this out, that the ones that have helped Fidel Castro come to power are the first ones that the ultimate firing squads reach. This has been the history of Communism wherever they have ultimately taken over a country. The ones that have helped the most have been the first ones to be liquidated. We must never, never, never allow ourselves to believe that if we can't beat them we'll join them because we're asking to be put before the firing squad first.

Now what is the answer to this? Item 1: recognize that Communism is a conspiracy, recognize it as a cancer and deal with it as cancer. You say, don't you believe we can co-exist with Communist? Yes, gentlemen, we can. In the same manner that any one of us sitting in here today can co-exist with cancer. We in turn can get along with it for a while, but ultimately you either get rid of it or it will destroy you. What's the answer? There is no simple easy answer. We're going to have to have people that have knowledge because action without knowledge breeds confusion and chaos. I'd certainly like to commend the Chair today for taking the stand that he did in pointing out that this is not an investigative committee hearing for personalities and to deal with the issues, because only as we deal with the issues and not personalities, can we come to a true understanding of the problem that confronts us.

We must have knowledge of the true nature of Communism, we must see it as a battle between the forces of God and anti-God. We must teach anti-communism, but it must be with a moral directive. Moral responsibility is an absolute prerequisite

to a lasting agreement wherever it may be in America or throughout the world. We must have people that have knowledge and then they must be motivated. People plus knowledge plus motivation can bring us victory over Communism, and we must have that victory. We are in a war now with Communism; let's face it! We are as much at war today as we were on December 1st, 1941. You say, wait a minute the bombs weren't dropped until the 7th. I grant you that, but keep in mind that it doesn't take two nations to start a war; it takes one, and on December 1st, 1941, Japan knew that we were at war. Her man power had been conscripted and trained, her industry had been revamped, her armament, manpower, and supplies had been gathered to the point of embarkation. The fleet had been assembled. The ships had been loaded. On December 1st, 1941, Japan was steaming full speed ahead toward Pearl Harbor. Japan knew it. Communism knows that we are at war today.

Now, being at war, gentlemen, we can lose; but we cannot afford to lose, and we can be victorious over Communism if we want to. What are two quick easy statements to substantiate how: One is taken from 2nd Chronicals 7:14 in Hebrew scriptures wherein God says this, "If people, which are called by name, shall humble themselves and pray and seek my face and turn from their wicked ways then shall I, here from Heaven, forgive their sin and heal their land." And then we need a code of conduct for victory over Communism. Because of what happened in our P.O.W. Camps in Korea wherein 75% of our American P.O.W.'s knowingly or unknowingly cooperated with the emeny; wherein 39% of our American P.O.W.'s died while in captivity; where not one American P.O.W. escaped from an organized camp back across "no-man-land" to freedom which has never happened before in the history of America.

Because of this our Military had to come up with a code of conduct to tell the boys what to do in case they were captured. The sixth point of that Military Code of Conduct goes like this: "I will never forget that I am an American fighting man, responsible for my actions and dedicated to the principles which made this Country free, I will trust in my God, and in the United States of America." And I would like to propose to you as a citizen's code of conduct for victory over Communism a paraphrasing of that sixth point of the Military Code of Conduct, and I think that if we make application of this, we can see victory over Communism in our lifetime. If we don't, gentlemen, we might find ourselves enslaved as they have been enslaved in Budapest, in Poland, in China and even more lately in East Germany. Here is the citizens' code of conduct for Victory over Communism, paraphrased from the sixth point of the Military Code of Conduct: "I will never forget that I am an American citizen, responsible for my actions, and dedicated to the principles that made this Country free. I will trust in God, and in the United States of America." It has been a privilege to appear before your Committee, and I trust it will be received in the light in which it was presented.

CHAIRMAN CROWN: Thank you Mr. Strube. Mr. Francis, you are aware that since the decision in the Peek Case, it has been established by legislative findings and judicial decisions, that the Communist Party is a continuing conspiracy, is that correct?

ASSEMBLYMAN FRANCIS: That is true, Mr. Chairman, but I have a Legislative Counsel's Opinion here, which states that the Peek Case is still the law of the State and that the Communist Party can qualify on the ballot.

CHAIRMAN CROWN: The reason I brought up this matter, I pose this question as to whether or not you have an opinion on this. "In the event your bill should become law, would it still be possible for the Communist Party to have a hearing and ultimately find its way into the courts before the matter would be adjudicated?"

ASSEMBLYMAN FRANCIS: If this statute was enacted into law, as you propose, yes, it is true. The Communist Party could then take such legal action as they did back in 1942, and it could wind up in the courts. It is my belief though, that the Legislature has the duty to enact the laws, and the courts to interpret the laws; therefore, the issue whether it would be held constitutional or unconstitutional is not before us. I am fully confident that in view of the legislative determinations and the recent court decisions, that the Supreme Court of the State of California would hold such proposed legislation constitutional.

CHAIRMAN CROWN: It would seem that what you say is correct. But what I am asking now is: "In the event that this statute did not become law, what would be the difference in the ultimate result?" In other words, "if we assume, as we both just have, and I hope we are both right, that if your statute became law, that still the Communist Party could have the matter adjudicated in the court, how does this differ from the existing status of the law where if the Communist Party chose to appear on the ballot they would be challenged and the subject would be adjudicated in the courts?"

ASSEMBLYMAN FRANCIS: The big difference would be this; it would be one of a matter of proof. I would like to quote from a Legislative Counsel's Opinion, "In the event that such a bill were constitutionally upheld; however, it would be much more effective than the

present law in the sense that it would alleviate the necessity of determining by independent proof that the Communist Party did engage in the subversive acts listed in the section." I am sure that the members of the Committee who are attorneys know how important this is, from the standpoint of proof and particularly to expedite the matter. If it is barred specifically by name, then it is a simple matter to prove that this Party is not a political party and consequently prohibited from participating in our direct primary election. The same thing is true with individuals. We have a number of individuals, who have been identified or have even admitted that they are Communists. But on the other hand, if you have to prove they have committed certain overt acts in advocating the overthrow of the government by force, violence, or other unlawful means, this could be extremely difficult if not impossible.

CHAIRMAN CROWN: Of course, we do have all of these cases since the Peek Case. We have Konigsberg v. State Bar of California; American Communications Association v. Douds; Communist Party v. Subversive Activity Control Board; Board of Education v. Mass.; Black v. Cutter Laboratories -- all of these cases have found that the Communist Party is a continuing conspiracy.

ASSEMBLYMAN FRANCIS: This true, but on this issue, we are still confronted with the Communist Party v. Peek case which is the law of our State and consequently until new legislation is enacted such as the proposed legislation we are compelled to follow the Peek Case. Furthermore, in this regard, there have been other cases which have upheld certain rights in other states for Communists as well as certain liabilities, like paying unemployment insurance and taxes.

CHAIRMAN CROWN: To your knowledge, Mr. Francis, when was the last time the Communist Party sought to appear upon the ballot in California?

ASSEMBLYMAN FRANCIS: In 1942, we had a complete slate of candidates from Governor all the way down including Assembly candidates that had the Communist Party designation. Since then we have had a number of admitted Communists that have run on the ballot as recently as 1958.

CHAIRMAN CROWN: But not as members of the Communist Party.

ASSEMBLYMAN FRANCIS: No, it is true they have run as independent candidates. However, we know that the Communists operate in small numbers and even though there is a limited number of admitted Communists they have qualified on the ballot in the past and if it should be decided by the head of the Communist Party Gus Hall that it should qualify here in the State of California, there is no doubt in my mind and certainly in authorities that they could qualify, if they so desire. I do not believe that we should give them that opportunity.

CHAIRMAN CROWN: You recognize, of course, Mr. Francis, that there is nothing in your bill that would preclude a Communist from running on the ballot with some label other than the Communist Party, you recognize that, don't you?

ASSEMBLYMAN FRANCIS: This is true, with the bill in its present state. I hope that if this measure receives favorable consideration that the bill will be made much stronger than in its present state. I think there will be other witnesses that will have some suggestions in this regard today.

CHAIRMAN CROWN: Thank you very much, Mr. Francis. Now, any member of the Committee? Mr. Rees.

ASSEMBLYMAN REES: In 1942, you might say that this was a time when we were very naive about the international communist conspiracy and that there might be more sympathy with the Communist because Russia at that time was an ally of this Country in the war. What was the Communist vote for Governor?.....in comparison, who was the Governor running?.....it was Earl Warren, was it not?

ASSEMBLYMAN FRANCIS: I don't have the statistics of the vote, however, I know that known Communists in 1950, I believe, have received as high as 600,000 votes.

ASSEMBLYMAN REES: Was this running as a Communist?

ASSEMBLYMAN FRANCIS: No, this was for non-partisan office.... Superintendent of Public Instruction. I believe that we had a party on the ballot in 1958 and this candidate who is a known Communist received nearly 400,000 votes. I do have witnesses that will have the exact statistics in this regard. They will be presented later on.

ASSEMBLYMAN REES: Fine, I would like to find out what percentage the Communist Party did poll in that election in 1942.....2%, or 1%, or 10%.....or whatever it might be.

ASSEMBLYMAN FRANCIS: I will be happy to furnish you with that information, Assemblyman Rees.

ASSEMBLYMAN REES: Aren't there requirements for a party to qualify for the primary ballot in terms of how many votes they had at the last general election, or a certain number of signatures on a petition. I remember the Prohibition Party came to us a year or so ago, and they had a problem that they had not gotten enough votes at the last general election and they were knocked off the ballot as a Party, and they had to run independent.

ASSEMBLYMAN FRANCIS: Yes, I think this has been a perennial question for the Legislature to the Prohibition Party, and there are two ways they can qualify. One requires 3% and the other requires 1%. The last estimate that I had made, it would take about 44,000 by using the petition procedure and by obtaining the signature within the statutory time period.

ASSEMBLYMAN REES: So now if the Communist bosses in California decided they want to qualify as a party which would be on the primary ballot it would have to have approximately 44,000 signatures on a petition?

ASSEMBLYMAN FRANCIS: Yes, that is my understanding.

CHAIRMAN CROWN: Mr. Meyers and then Mr. Conrad.....we will try to hold the questions down because Mr. Francis has several more witnesses.

ASSEMBLYMAN MEYERS: I will be very brief.....

CHAIRMAN CROWN: Before you ask a question, Mr. Meyers, may I introduce another member of our Committee, who since we convened this morning has appeared, Assemblyman Jesse Unruh, the 65th Assembly District, Los Angeles County. Mr. Meyers.

ASSEMBLYMAN MEYERS: I would like to ask Mr. Strube a question. In your presentation, I was particularly interested in the fact that I believe you indicated that you had just come back recently from the State of Louisiana, and that session of the Legislature, they passed a bill dealing with Communisum which should be taught in public schools. Is that correct?

MR. STRUBE: The Louisiana Legislature passed that law in May, Sir, of last year. I appeared there in May 16, 1960 before the combined House of the Legislature prior to the introduction of the

bill. The State of Louisiana now has a law on the books requiring that Americanism v. Communisum be taught in the public schools and be taught with a moral directive that Communisum basically is conspiratorial apparatus. Also, the State of Florida, where I just came from the day before yesterday, now has that law and I was privileged to conduct an all day seminar for the school teachers of the City of Miami going into the fact that Communisum is basically a conspiracy.

ASSEMBLYMAN MEYERS: Do you know by chance what other States have statutes on the books?

MR. STRUBE: Those two I am positive of. I believe that the State of Pennsylvania has had such a law on the books for a number of years. Now there are a number of independent school districts that have, on their own, acted along this line, and they are teaching in more positive American History as well as teaching Communisum from the standpoint as an evil conspiracy. It is presented in that light. To teach Communisum just objectively, Sir, would be the most dangerous thing that can conceiveably happen. I suggest that if it is going to be taught in the State of California or in anywhere else, it be taught with a moral directive as God v. anti-God, and all of the intricacies that go with it.

ASSEMBLYMAN MEYERS: The reason why I ask the question is that I attended the University of San Francisco and they have as a compulsory part of their curriculum....that you had to take a similar course. I was interested in your presentation on that point. Thank you.

CHAIRMAN CROWN: Mr. Conrad.

ASSEMBLYMAN CONRAD: Perhaps we can pinpoint one thing for the benefit of the audience because I was around in 1953. I think it was a fair statement, Mr. Francis, that under the present law we could refuse to certify the Communist Party and require them to go to court. The value of your bill as I see it, is to pinpoint the word "Communist Party" and you might say to dramatize it and to emphasize to everybody that this is indeed a conspiracy.

ASSEMBLYMAN FRANCIS: That is correct.

ASSEMBLYMAN CONRAD: Thank you.

CHAIRMAN CROWN: Will you proceed, Mr. Francis, with your other witnesses.....pardon me, Mr. Unruh.

ASSEMBLYMAN UNRUH: Do you know of any case in any nation where the Communists have come to power through election by the Communist Party being elected by the people?

MR. STRUBE: As I pointed out in my presentation, in British Guiana, we find the Peoples' Progressive Party, lead by Cheddi Jagan have just been voted into power in a free election there. This is the first time in history of communism that such a government has been elected. We find that the State of Kerola in southwest India, several years ago, elected a Communist government into office in a free election. After they were in power for about two years (because of the violence the Communists were subjecting the people to) President Rajenda Prasad intervened and the government was put out. They had to call for another election within six months. Now in that next election, the Communist Party was not re-elected in Kerola; however, they did get a greater plurality of vote in that area, but it was not amassed in such a way as to bring their particular delegates to power. There has been one other very

small country in Italy, in the area of Italy, and I am sorry the name slips me...

CHAIRMAN CROWN: San Marino.

MR. STRUBE: A very small area, where the Communists were in control at one time.

ASSEMBLYMAN UNRUH: Isn't the pattern of Communist control either coming through some other means than peaceful election, or where it does come through elections, comes through some sort of a fake or front party operation.

MR. STRUBE: Exactly, Boris Klosson, with the U. S. State Department brings that out and makes it very clear in his film "Communist Blueprint for Conquest". And to that end, I would highly recommend to the Committee that they give consideration to Mr. Francis' earlier statement that this bill be strengthened that any person that is a self-confessed Communist, or is a Communist that has been convicted in front of a jury of his peers, be not permitted to run under any title so far as any party is concerned. We are going to deal with this as a conspiracy irrespective of where it comes, and under what name it comes, and see it in that true light.

ASSEMBLYMAN UNRUH: But is not the purpose of this bill simply to further pinpoint the very small minute, and in so far as I can determine, ineffective, Communist Party in California and the United States, or is it the purpose of the bill to truly give some protection in the ultimate to what the Communist Party would attempt to do through some subterfuge? I think you have to decide which of these two things you are trying to do. I don't think the American people are ever going to elect a Communist and it does not matter whether he is on the ballot or not. If

they know that he is a Communist then he is identified as a Communist. But the fact of the matter is, how do you force that man to identify himself as a Communist? I don't think the Communist Party is stupid enough to run a confessed Communist on the ballot. Their approach has constantly and consistently been to run someone who isn't identified as a Communist, taking advantage of some dupe or some fellow traveler. How do you prevent that how does this bill do that?

MR. STRUBE: Again, item one, I would like to backup one statement that you made that the Communist Party has not been effective in the United States. I think that we have seen.....

ASSEMBLYMAN UNRUH: From the standpoint of election.

MR. STRUBE: Well now, from the standpoint of election you may have a point there. But so far as your other statement, I think that we definitely need to strengthen whatever legislation you are considering to protect it coming up under any other guise. I believe that any other person that has been associated with the Communists, and Mr. Francis has stated earlier this morning, he is going to present later in the day that there have been known Communists run in the State of California under various guises. I think this facet of the bill certainly should be strenghtened immeasurably.

CHAIRMAN CROWN: It is not a question of strenghtening the bill, this bill in no way affects that situation.

ASSEMBLYMAN UNRUH: Would not it be better if we went the other route, and under penalty of perjury, forced anybody who is a Communist, to run as a Communist, and to identify himself as a Communist. Because if you take this out, all you do is to push

them further underground, and give them a better reason for forming a front operation. I think we have to depend on the good sense of the American People, that once Communists are identified, their effectiveness is largely destroyed. It seems to me that the very nature of this bill will not do this, and that the direction we ought to move in, is to force the identification of these people.

MR. STRUBE: Item one, to say that you will drive them underground, is like saying you will drive an iceberg under the ocean, because 90% of it is underground already. Most of the Communist Party right here in America, the bulk of their activities are underground; and, too, the current ruling on the Smith Act, is such that they can even teach the violent overthrow of the government at this particular moment. Now, one other question? Don't you have a loyalty oath in this State that would preclude some of these problems?

ASSEMBLYMAN UNRUH: We have a loyalty oath, but apparently, on the basis of the introduction of the bill and the testimony here today, it is not very effective. It seems to me that the principle question here is: (1) whether you want to identify these people and in some way force them to run as identified Communist; then figure that the American people have enough good sense and in no circumstance are they going to elect such a person; or, (2) whether you simply want to give these people more of a pretext for not identifying themselves. I think that is the gist of the bill. I don't know if that is what it would do or not. Nevertheless it seems to me that those are the two alternatives you have here.

CHAIRMAN CROWN: Mr. Petris.

ASSEMBLYMAN PETRIS: My question is directed to Mr. Francis. If the Communist Party were able to qualify for the ballot in California and offered a field of candidates all identified as Communist Party members, is it your fear that they would elect candidates either by the statewide or a local basis? Is that the reason for the bill?

ASSEMBLYMAN FRANCIS: No that is not the purpose of the bill, and certainly that is not the fear on my part, Mr. Petris. I have full confidence and trust in the intelligence of the American people. As I tried to point out, there is no reason and it is rather ridiculous that the State of California should even recognize the Communist Party because, according to Gus Hall, they are willing to take arms up at the proper time to overthrow our government. They are in no sense a political party as both the Legislature and Congress has determined and particularly some of our court decisions that have already been discussed. I do not believe that they should use this status -- political party-- as a cloak of legality. It is a rallying point for them. Why don't we specifically bar them by name as other states have done and as we attempted to do back in 1940, although the famous case of "Communist Party v. Peek" held that it was unconstitutional at that time and particularly that statute which had some other words that were difficult from the standpoint of legal interpretation such as directly or indirectly affiliated with the Communist Party.

CHAIRMAN CROWN: Mr. Francis, I think that I should read for the benefit of the members of the Committee and for the audience the existing law: "Notwithstanding any other provisions of this

Code, no party shall be recognized or qualified to participate in any primary election which either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets, the overthrow by any unlawful means of or which directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence sedition or treason against the government of the United States or of this State," That is the existing law. Mr. Francis would insert the words "including, but not limited to the Communist Party".

ASSEMBLYMAN FRANCIS: I would like to reiterate Mr. Chairman, that with these words, it would strengthen our present law considerably as expressed by the Legislative Counsel on the issue of truth.

CHAIRMAN CROWN: Mr. Rees.

ASSEMBLYMAN REES: I would like to read into the record Section 6430 of the Elections Code which determines the qualification of parties. Section C says: "A petition with the amount of voters equal in number to at least 1% of the entire vote of the State in the last preceding gubernatorial election, have declared their intention to affiliate with that party." So that if a petition, assuming that the vote at the last gubernatorial election was 6,000,000 total vote, that if a petition is given to the Secretary of State 135 days before the primary with at least 60,000 valid signatures of people who declare that they intend to become a member of the Communist Party, then they would be on the ballot. The other method is in Section D. It is the same process. A petition signed by the voters of the State of California. But on this type of petition if 10% of the voters of the last

gubernatorial election, which would be approximately 600,000 in the State of California, declare that they would like to see the Communist Party recognized as a legal party on the ballot...then they go on the ballot. Under one method, 60,000 people have to declare they will become Communist and that it is their intention, and on the other, they merely declare that we think that this party should be on the ballot. So that is what the present law is in terms of qualifying a party that is not already qualified.

MR. STRUBE: Mr. Chairman, I have another very important appointment, if there are no other questions for me, may I be excused.

CHAIRMAN CROWN: There are not....Thank you very much, Mr. Strube for taking your time coming here today. Mr. Francis, please call your next witness.

ASSEMBLYMAN FRANCIS: My next witness is Mr. W. Cleon Skousen, formerly with the FBI, also the author of the book entitled "The Naked Communist".

CHAIRMAN CROWN: Before the witness begins, Mr. Francis, you have 10 more witnesses including this gentlemen?

ASSEMBLYMAN FRANCIS: Yes.

CHAIRMAN CROWN: ...and you are budgeting your time, because we cannot go beyond the time.

ASSEMBLYMAN FRANCIS: I am as far as the presentations are concerned, but the questions by the Committee members are beyond my control.

CHAIRMAN CROWN: I recognize that, and I apologize for that; however, it was very important that we get that on the record now.

ASSEMBLYMAN FRANCIS: I would like to point out that a number of questions that are being advanced by the members of the Committee

will be answered by certain witnesses. I don't want in any way to imply that they refrain from questions because after all that is the way they obtain the necessary knowledge; but many of these witnesses will be covering these specific points.

CHAIRMAN CROWN: Your point is well made, Mr. Francis, and the Chair will request that the members attempt to hold their questions down until the conclusion of the testimony of the witnesses. The Chair will attempt to do likewise. However, if any member of this Committee at any time wishes to ask a question, the Chair will, of course, recognize him to do so.....Mr. Reagan.

ASSEMBLYMAN REAGAN: May I make a suggestion that we follow the same procedure that has been followed in many Committee hearings, that the questions be cumulative and asked after the final witness has presented his testimony. Then we will be able to hear all of the witnesses.

CHAIRMAN CROWN: Your point is well taken Mr. Reagan....Mr. Francis.

ASSEMBLYMAN FRANCIS: Mr. Chairman, there is one other problem we have today. These witnesses, in many cases, are national leading authorities and they have other commitments today to appear at various places and so their time is very limited.

CHAIRMAN CROWN: Mr. Burton.

ASSEMBLYMAN BURTON: I would like to make it clear that if we have questions to ask individual witnesses to help us establish the nature of their expertness, I should assume that it would be in order. It would be a little difficult to wait for questions until the end of the hearing when all of the witnesses are so busy they must go elsewhere.

CHAIRMAN CROWN: The Chair is merely a presiding member of this Committee, he has no more rights on this Committee than any other member. He was just expressing his opinion. Should any member of this Committee, at any time, desire to ask a question, the Chair will recognize him for that purpose....Mr. Francis.

MR. SKOUSEN: Mr. Chairman, and ladies and gentlemen, I certainly appreciate the privilege of spending just a few monents here before this Committee. I have a brief statement which I hope will be helpful in considering this present bill. My name is W. Cleon Skousen, and I am from Salt Lake City, attending the school here in Southern California in connection with the problem of Communisum. Those of us who have been associated with the problem, and I suppose that includes everybody to a greater or lessor degree -- but some of us have been required to be on the firing line as a matter of professional assignment, are tremendously impressed with the increased interest in the problem of Communism and what we can do about it. So if I may make this brief statement, I will be happy to answer any questions that I can.

In recent weeks, there have been heartening signs that a united bi-partisan front is developing in the United States against communisum. The bill which this Committee is now considering is an excellent vehicle through which both major political parties in California can express their determination to resist Communisum by prescribing its specifically from political activity in this State. We have now reached the point in the struggle between the United States and the Soviet Union where we can take judicial notice of certain facts concerning Communisum because these facts are now supported by vast volumes of corroborative evidence.

First, we can take judicial notice of the fact that the Communist Party was organized in the United States under the direction of Gregory Zinoviv, top Russian official, and when two different groups responded to his invitation to set up an American Communist Party, he ordered them to unite into a single apparatus which they did. The point I am trying to make here, that we are talking about an organization that originated at the invitation and at the direction of the Soviet Union Leaders. Second, we can accept as a proven fact that from its genesis, the Communist Party U.S.A. has been under the direction, domination, discipline, and control of Moscow. Two of the leaders of the American Communist Party were discharged on orders of Moscow, and one of them, J. Lovestone, was discharged after the overwhelming majority of the American Communist Party had voted to support him. Down through the years, the Communist Party, U.S.A. has responded to the direction and discipline of Moscow leaders.

Third, we can accept as a proven fact that the Communist Party U.S.A. has committed itself to slavishly support the inconsistent and rapidly shifting strategy line of the Soviet Union.

Fourth, we can accept the fact that the Communist Party, U.S.A. has committed itself to the subverting and overthrow of the United States Government by violence. As the Senate Subcommittee on Internal Security has declared, "The Communist Party looks upon our Government as its enemy which it seeks to overthrow by forceful means; hence, it is organized along quasi-military lines."

Fifth, we can accept it as a proven fact, that members of the Party have committed themsleves to give their allegiance to the Soviet Union. They are known to have made such pledges as

this: "I pledge myself to rally the masses to defend the Soviet Union, the land of victorious socialism. I pledge myself to remain, at all times, a vigilant and firm defender of the Leninist line of the Party, the only line that insures the triumph of Soviet power in the United States."

Sixth, we can accept as a proven fact that the Communist Party, U.S.A., has furnished its members to serve as spies for the Soviet Union apparatus, and that it has also furnished its members to officially represent the Soviet Union apparatus in foreign countries.

Seventh, we can concur in the petition of the U. S. Attorney General and the decision of the Subversive Activities Control Board, when the latter handed down the decision on April 20, 1953, which stated that the Communist Party of the United States is directed, and I am quoting: "directed, dominated and controlled by the Soviet Union." All of these conclusions of fact which are supported by volumes of evidence distill themselves into the simple fact that when we are talking about the Communist Party, U.S.A., we are talking about a foreign agency, serving a foreign power, as a criminal fifth column conspiracy to overthrow the United States Government by force and violence.

Now other countries have also had to deal with the problem of proscribing the Communist Party per se in order to survive. One of the most recent countries to make an issue of the Communist Party was West Germany. After extensive hearings that Government outlawed the Communist Party specifically and wrote a 227 page report giving its reasons. It explained that after World War I, the German Republic had tolerated any type of political party including those which had openly vowed to destroy the Constitution. The report

stated that this was a serious historical error in that it allowed an illegal, unconstitutional military party, namely the National Socialist, to seize power and not only destroy the Constitution and gain control of the people, but also to force the people to fight a terrible and disastrous war from 1939 to 1945. This report clearly defines the hazardous course which the United States itself has been following. For over forty years we have tolerated to a greater or lesser degree a subversive semi-military party which is openly pledged to destroy the Government and seize political control of the people by illegal and unconstitutional means,and certainly it is time to take any action available to us. Now this was the recent decision of the Democratic Party in the State of Arizona which took the initiative earlier this year and invited the Republicans of that State to join with it in proscribing the Communist Party. I am told that this bill passed both the Senate and the House in the State of Arizona without a single dissenting vote. It has now been signed by the Governor and is an operative part of the Arizona State Law.

Because there is a sound legal basis for proscribing the Communist Party, we might ask ourselves what advantage would be expected to accrue to the State of California if the bill we are now discussing were passed. And I can immediately think of seven positive answers.

I might interrupt my formal statement here to say that I appreciate that this Committee has been just as concerned as any of us and has studied this problem extensively and has heard volumes of evidence proving the points that I have just covered. That is why I sort of digested them to just refresh our minds on the two points that we are dealing with a foreign controlled group here that has an open and avowed purpose which comes within the qualities and

characteristics of a criminal conspiracy rather than a political action group.

And now to specifically proscribe it in the law has many advantages, seven of them I would just like to mention very briefly in my statement. First of all, there is the advantage of an open declaration of opposition to the Communist Party per se and everything that it stands for. This alone would begin to, or could, contribute to the unification of the spirit of public resistance to the propaganda and subversion with which the Communists have been flooding our land. I noticed that the testimony here this morning and the questions that have been made by some of those on the Committee reflect an appreciation of the seriousness of the problem and the fact that the Communist can hide behind many other labels and fronts.

There is a tremendous advantage to have the party proscribed per se so that it is identified in the public mind as something that the State of California will not tolerate; and this is my second major point, it would codify the fact that the State of California recognizes the Communist Party, U.S.A, as an illegal, foreign controlled, subversive organization that is not qualified to participate in the political affairs of California. Now this has a tremendous impact -- if I can comment parenthetically on this point -- in quickly identifying or rather developing a cohesive resistance, let us say, to someone who is a dedicated hard-core Communist. This happened in Cuba. When Castro was rising to power he found himself caught with a lot of other Communists where they did not want to be openly identified as Communist per se, and so under orders from the Party officials, he covered himself in a so-called orthodox party. The orthodox party was headed up by Eddie Chibas, and all Eddie Chibas had to do

to cut off Fidel Castro from progressing in that party was to pass the word, this is a Communist undercover. While being somewhat of a leftwing party, they were somewhat tolerant of his presence. The authorities say that kept him from rising to power in this party he was trying to hide under. This is an advantage to spell out specifically that a certain party is postscribed and unlawful.

Third, it would establish a legal facade behind which the people could generate the necessary initiative to regain any lost ground which had come under Communist influence. In testifying before a Congressional committee this year, J. Edgar Hoover warned that Communist agents have succeeded in penetrating almost every level of our society. They are a small group and all they want is the right man in the right place at the right time to do the damage that is necessary to lose China or to make a policy that would lose a major advantage to the United States. So they have penetrated in a strong minority fashion--Mr. Hoover said "schools, churches, public offices, unions, businesses, civic groups, etc.,--and wherever this has ahppened, the loss of ground needs to be recaptured. And this kind of a bill helps the people find their way, because the leadership of the State says this is something specifically to beware of.

Now fourth, it would frustrate the bold announcement of the National Committee of the Communist Party, U.S.A. in its intention to carry the communist banner into more and more public elections. It has been pointed out and I think rightfully so this morning that when the Communist Party gets into politics, because it carries such a radical and agressive and volatile program, it does

not get elected. But it does present a forward thrust behind which those who are doing the real work the Communist wants to see accomplished can be achieved, and this frequently happens, that is why the Communist take over not in their own name but in someone else's name. But it is an advantage to them to have this extreme radical presentation out front, and this has been part of the policy of the Communist Party on a number of occasions. In the thirtys' they started to do this and it was amazing how many people would rally behind the Communist Party per se, and it helps to have it identified as a proscribed organization.

Fifth, by legally proscribing the Communist Party it would greatly increase the problem of carrying on day to day functions. As Americans, we have been slow to recognize how important this would be. Whittaker Chambers commented on the reason why Communist Leaders abhor the prospect of being outlawed. Said Chambers: "Lenin had tirelessly taught that when a whole Communist Party is outlawed, it is almost wholly paralyzed because it can no longer send into the surrounding community the filaments whereby it spreads its toxins and from which it draws its strength of life." The Communist therefore feel that the outlawing of the party would strike a lethal blow against them; and you will notice that they make a great to do about any effort to outlaw the party and use all of those who are outright to semi-sympathizers to try and express their opposition to it. It forces them to do practically all of their work from the underground. It dams off open channels of propaganda, helps frustrate their espionage machinery and frightens away from the Party all but their most dedicated, hardcore, revolutionary members. This is what Lenin was talking about when he said

the outlawing of the Communist Party does tend to paralize them.

Sixth, I feel that the proscribing of the Communist Party in California would have an electrifying psycological impact on the entire Nation. We have gone far past the time when Communism is an unknown quantity or mystery. It needs to be openly and clearly identified as the aggressive, predatory, subversive enemy of American freedom which it is. Since California is one of the two top Communist targets in the United States, it would undoubtedly be a foundation shaking shock to the whole Communist apparatus if the Communist Party were outlawed specifically from political activities in its second largest stronghold. I do not want to further impose on the Committee's time, but I do appreciate the privilege of appearing before you this morning.

CHAIRMAN CROWN: Thank you very much, Sir. Do you have a written statement? Do you care to submit one?

MR. SKOUSEN: I have a written statement that I would be glad to submit if you would care for it. Mr. Chairman.

CHAIRMAN CROWN: Yes, if you can please. Mr. Burton.

ASSEMBLYMAN BURTON: Mr. Skousen, to what extent do you think that this Committee, or our Legislature should limit the right of the people to make whatever range of choices they choose to in so far as candidates appearing on the ballot are concerned?

MR. SKOUSEN: We have always been anxious not to limit it in anyway unless it involves something that is immoral, or illegal or subversive. And I think that those rules are good ones.

ASSEMBLYMAN BURTON: Do you believe that it is a proper function of the Legislature to limit the voters right if we make a finding that a given person, or a given party, is immoral or

subversive or....illegal.

MR. SKOUSEN: In the republican form of government it is the responsibility of the legislature to identify and clearly point out those specific organizations which may fall under the ban.

CHAIRMAN CROWN: Of course, the existing law already would preclude that type. I don't wish to engage in any argument here because I think Mr. Skousen has brought up a point here. He has distinguished between the existing law which already states that if you are engaged in the overthrow of the government or aids or abets it, you are already precluded from being on the ballot. So there is no question about that. Mr. Skousen has brought up the additional point that the Communist Party should be precluded by name and he has advanced certain arguments toward that end.

MR. SKOUSEN: That is the point I wish to make, yes, Sir.

CHAIRMAN CROWN: At this time, I would like to introduce one of our esteemed colleagues in the Assembly, Mr. Frank Lanterman, 48th Assembly District, La Canada. I am very happy to have Mr. Lanterman here with us this morning.

ASSEMBLYMAN BURTON: May I continue?

CHAIRMAN CROWN: Yes, I request Mr. Burton that you limit it down to one question, because we have nine more witnesses.

ASSEMBLYMAN BURTON: As a fundamental concept then, do you believe it is proper for a legislative body to set standards and to proscribe either persons or parties and thereby limiting the choice of the electorate?

MR. SKOUSEN: Well, actually, they wouldn't be limiting the choice of the electorate in this kind of a bill, because we are just simply identifying by name which is already limited by law.

In other words, there is no such right either in the electorate or in the candidate to do that which is illegal, immoral or subversive.

ASSEMBLYMAN BURTON: My point is this....in dealing with legislation, I think it always makes sense to get at the root concepts involved in the legislation.

MR. SKOUSEN: I agree.

ASSEMBLYMAN BURTON: and if we are going to pin down these root concepts, its of some value to me in weighing your testimony just what your opinion is. You do believe it to be a valid function of the Legislature, to proscribe the range of political alternative the voters have in deciding who they chose to represent them, and this is one manifestation of that concept.

MR. SKOUSEN: I think you are presenting a point of view there that I would agree we would not want the Legislature to invade. There are some basic rights that the Legislature here would not be invading and you wouldn't want them invading and neither would I; but we are over in the area here with this bill where the Zimmerman case was in New York. Where we had the KluKlux Klan before the legislature, and where they indicated that there were certain things that could be proscribed because they stood openly for certain things that violated basic American rights and the legislature proscribed them per se or required them to do certain things. We are in that same kind of a situation here where our legislators hear the evidence, and for the benefit of the people as their representatives specifically identify an organization they found violating basic American principles so that they would know specifically this is one they could not support.

CHAIRMAN CROWN: Mr. Conrad has a question.

ASSEMBLYMAN CONRAD: Isn't it true, Sir, that the legislative body restricts the rights of felons to run for office? We place age limits on people who may be candidates. We place residents requirements on people. And, for example, if a person who has been guilty of an immoral act and deemed a felon, he is denied the right to be a candidate and voted upon by the people until he has purged himself.

ASSEMBLYMAN BURTON: I want to pursue this for just a moment, if I may, Mr. Chairman?

CHAIRMAN CROWN: Mr. Burton.

ASSEMBLYMAN BURTON: Do you see any dangers involved to our society if this or any other legislative body makes a legislative finding, in effect that is what it is, that this political point of view or that political point of view, though they may say it is a political point of view, we say it is something else; therefore, we are not going to let party x, y, or z be on the ballot; therefore, we are not going to let any of these parties test their ideas in the market place--do you see any possible danger let's say, if I can relate back to the 30's when we have a great amount of unrest in this county in some of the parties in which were very unpopular in those days, might well have felt the brunt of this kind of legislative decision?

MR SKOUSEN: I see no danger as long as the legislature stands by the fundamental expressions that are contained in the original legislation that we are here amending. As it spells out you will notice the things that it considers to be subversive and illegal, unconstitutional, destructive, etc. It spells these out regardless

of party and this simply..... this bill now before you simply identifies and proscribes by name an organization that fits that description. I see no...

ASSEMBLYMAN BURTON: All those adjectives could well describe the John Birch Society, and my concern is this; if we make the determination that it is sound for the legislature to proscribe designated political organizations or allegedly political, whether in fact they are not, it is my opinion that we are running the risk of very grave dangers. It is my opinion that we are ursurping the fundamental right of the people to have as wide an access to the type of political opinion, alleged or real, and it is the function of the people to accept or reject the political parties, not the legislature to do so.

MR. SKOUSEN: This was the point of view which prevailed in Germany during those very tragic years from the close of World War I until the Nazis took over, and it was actually in that legislative setting and in that philosophical framework that the Nazi and the Communist competed for power and a democracy was completely destroyed.

ASSEMBLYMAN BURTON: I am sure you are aware that in West Berlin, the Communist Party is permitted on the ballot, they did very poorly incidently which is a very health barometer for many of us to see the true lack of popular support in West Berlin. But apart from that relating to any one country or any other, the problems that people in a free society have, I very strongly fear that we cannot set up ground rules that are going to eliminate problems that free men are going to have in deciding their own fate.

MR. SKOUSEN: But you have already set up ground rules thats why we have an orderly society. All you are doing here this morning is identifying one of the organizations that is definitely in violation of one of the ground rules. Now you have mentioned a monent ago, another organization that has actually asked to be investigated, wants to be investigated because it insists it has not broken the ground rules and that those who are attacking it are smearing it without a foundation or reason. Any other organization that violated these ground rules would also be subject to proscription, and I think that if you will stick to ground rules, you are entirely within the proper prerogative of the legislative function.

CHAIRMAN CROWN: Thank you very much Mr. Skousen, Mr. Francis, your next witness.

ASSEMBLYMAN FRANCIS: Mr. Chairman and Members of the Committee, my next witness is Herbert Philbrick, who is formerly a counterspy for the FBI, and also the author of the book entitled "I Led Three Lives".

CHAIRMAN CROWN: Thank you Mr. Philbrick, you don't look at all like Richard Carlson.

MR. PHILBRICK: Thank you very much, Mr. Chairman. I want to say first of all that my name is Herb Philbrick, I live in Rye Beach, New Hampshire and I appreciate the honor of appearing before this distinguished Committee, and would like to say too, that my colleagues and associates at the Southern California School now being conducted at the Arena, believe me, have been deeply grateful for the magnificent welcome shown to us by you people here in Los Angeles and Southern California. As guests of your State,

Dr. Schwartz is from Austrailia, Mr. Skousen is from Utah, Dr. Drakeford and Mr. Strube from Texas and myself from New Hampshire; as guests of your State, I can say truly we have been thrilled by the warmth of your reception, and we have been highly gratified by your response. And even more, we have been deeply encouraged by the intelligent concern and the awareness shown by the people here in California with this very real and ver dangerous threat posed to us by the Communist criminal conspiracy. The rallies here at the Arena have indeed been a thrilling experience to me and I am sure for all who have seen the vast outpouring and response and particularly the students and the young people here in California, it has just been a great thing to see.

I have asked to appear before your Committee to provide testimony based on my own knowledge and background information as an informant for the FBI, former informant for the FBI, inside the Communist criminal conspiracy. A role which I played for some nine years. I would like to give my opinion based on that experience that the proposed measure is a step in the right direction, but in my humble opinion, it does not go far enough. I believe that not only should the Communist conspiracy, which claims to be a political party, should be so proscribed, but also I believe that the right to vote should be denied as it is already denied to other individuals in your State.

I am in accord with the purpose of the bill, but believe me, from my own experience in the Communist Party, I know that they are experts in circumventing the law or the intent of the laws and the legislatures in this Country, and if it is at all possible,

they will continue to invade and to participate in the legitimate political activities and parties of this State. I believe certainly that it is not the purpose of your Committee to legitimatize a hoax, to be a party to a fraud, and to so claim or allege that the Communist Party as a political party would indeed be to legitimatize a hoax and be a party to a fraud.

The very name "Communist Party" itself is a fraud. It is not a political organization. There has been vast amounts of evidence given in my own testimony on previous occasions before many committees verifying these facts. For an example, I, myself, was a secret member of the Communist criminal conspiracy. I was under orders by Communist Party bosses not to carry a Communist Party card. I was forbidden for a large period of time not to go near the Communist headquarters in Boston. Now such secrecy certainly does not fit at all the description of a legitimate political organization. But I repeat, I fear that if the measure is passed, it will not prevent the Communist from running for office in the State under other guises. I can testify that the Communist have no respect for the law, they have no intention to obey the law. In fact they stated to us in our cell meetings that it was our job as Communist to circumvent or disobey the law whenever we found it expedient or possible. If there should be any doubt as to the absolute contempt shown, for example, to this State, that was shown very clearly by one Archie Brown, acknowledged Communist, as so very dramatically shown by his activities and his contemptuous behavior in the hearings conducted in San Francisco. If anyone doubts that they can see the film "Operation Abolition" and see Archie Brown in action as a Communist.

Now I would say that such a measure....a measure stating that it is not the right or the privilege of a Communist to vote in this State--I emphasize that this is not a penalty. It does not infringe upon the right of any person to join the Communist apparatus if he wishes to do so. It does not deny him the freedom of choice but it does say, that if a person chooses to give his loyalty to the Communist International, to the Communist conspiracy, to the Soviet Union automatically, he relinquishes his rights as a citizen of the United States and as a citizen of this State. Automatically, therefore, he relinquishes his rights and privileges to participate in legitimate, authentic political activity in this State. Mr. Cleon Skousen has already brilliantly set forth that it has indeed been verified many times that the Communist apparatus in this Country, and each individual Communist, operates as an agent of the Soviet Union. This I might, incidentally, point out has been verified by the recent Supreme Court decision upholding the findings of the Subversive Activities Control Board in Washington, D.C., which also held, after long arduous hearings and testimony, that indeed a Communist in the United States and the Communist Party in the United States is acting as an agent of the Soviet Union. I would suggest that such a measure, in addition to the measures already advocated and before this Committee, would not only hinder the Communist criminal conspiracy greatly, but also that it would tend to prevent Communists from infiltrating and subverting legitimate political parties and activities in this State such as, of course, the Republican and Democratic parties. I know that you're pressed for time, Mr. Chairman. Thank you very much for the opportunity of appearing before your Committee.

CHAIRMAN CROWN: Thank you Mr. Philbrick. There is a question from Assemblyman Reagan.

ASSEMBLYMAN REAGAN: In connection with your saying that this doesn't go far enough, are you aware that Archie Brown has announced that he's going to be a candidate for supervisor in San Francisco which is a non-partisan office?

MR. PHILBRICK: Yes, I had heard that, Sir, and that is why, as I say, I believe that based on my own experience, I know that back in the State of Massachusetts, for example, we had a teacher's oath law passed in an attempt to keep Communists out of the schools and colleges in Massachusetts. Very successfully the Communists managed to circumvent that law, and it was of absolutely no avail.

CHAIRMAN CROWN: Mr. Burton.

ASSEMBLYMAN BURTON: I suspect the announcement by Assemblyman Reagan that Archie Brown, a self-proclaimed Communist who ran for supervisor before would be a strong reason in support of the bill that this Committee's going to consider during the interim requiring people to identify their party or at least permitting them to do so in non-partisan elections. That might eliminate a lot of the misleading confusion that the voters feel they face in the non-partisan elections.

ASSEMBLYMAN REAGAN: It's not so intended, Mr. Burton.

CHAIRMAN CROWN: Thank you gentlemen. All right, Mr. Francis. Thank you very much Mr. Philbrick. We appreciate the fact that you took your time to come before us this morning. It is now two minutes past twelve. Mr. Francis, do you have any objection in our recessing for lunch and returning. We usually take two hours for lunch, I think it would be wise today if we cut that to an hour

and one-half.

ASSEMBLYMAN FRANCIS: That'd be fine, Mr. Chairman.

CHAIRMAN CROWN: All right, the Committee is in recess until the hour of 1:30.

CHAIRMAN CROWN: Session will be in order. Because of the fact that some of the members will have to make planes early this evening, the Committee will have to adjourn at 4:30. This is two hours and forty-five minutes from now. All of this time will be devoted to the proponents of the bill, Mr. Francis' witnesses. The Committee will not hear anyone testifying today who is in opposition to the bill. We will reserve that testimony for a future hearing. So Mr. Francis, you have until 4:30 today. Proceed please.

ASSEMBLYMAN FRANCIS: Thank you Mr. Chairman. My next witness is Dr. John R. Lechner, Executive Director of the Americanism Educational League.

DR. LECHNER: Gentlemen, I am not going to deliver a speech such as has been made this morning. I feel that that procedure is not necessary, you gentlemen, ladies, know enough about Communism to know that it is a conspiracy and how it functions. There are however, some important phases to consider in the consideration of this bill, and I believe that the interpretation which I have merits your very careful consideration.

Communism is a battle of ideas. The psychological impact of that struggle oft-times has been overlooked by our leaders and by our people. We fail to understand the full import of semantics of other psychological factors which may not seem material because

they're not on the surface, but still the tremendous impact of any psychological advantage for the Communist Party must be considered in the light of the effectiveness of that impact on the conspiracy. Any serious discussion by this Assembly Committee regarding the proposed bill to outlaw the Communist Party in the State of California is certainly most timely. California is the prime target for the Communist attack upon our institutions. I have seen in my work over a period of years, a growing sense of proportion on the part of the Communist conspiracy so far as the State of California is concerned because of certain definite factors. I think that a mention of this is important in a consideration of the bill before us. Our State is the center of the entertainment industry, motion pictures, television and radio through which the Communist are trying desperately to disseminate their propaganda. I have been in meetings many times conducted by front organizations- one all day session last year at the University of Los Angeles, U.C.L.A. - where a powerful front organization sought ways and means and support among those engaged in programing in television, radio and motion pictures to break down the resistance of the F.C.C. for the dissemination of their particular propaganda. With that in view, I would like to make the few remarks I have to make.

CHAIRMAN CROWN: Mr. Unruh.

ASSEMBLYMAN UNRUH: Could he identify the name of this meeting and the exact date and the presiding officer.

DR. LECHNER: If you would like it,Mr. Unruh, I'd be glad to give it to you. It was an all day session conducted at U.C.L.A. by the American Civil Liberties Union with men like Robert Kenny and about ten other attorneys from the Civil Liberties Union con-

ducting an all day session all morning, at noon, and during the afternoon. It was an amazing revelation to me, the attempt there to break through.

One of the most potent psychological weapons of the Communist organizer and propagandist in this country is the fact that the Communist Party enjoys the status of equality with the two major political parties by virtue of the fact that an indictment of his principals has not been made through the process of outlawing the conspiracy as a poltical party. He has claimed that this is tantamount to legal recognition, and that it gives the Communist conspiracy the benefit of sanction of law. Psycologically, this is an important weapon on the part of the Communist movement especially in this area. Today in California, the Communist movement may place a slate on the primary ballot if it secures enough signatures. And the implied dignity and sanction, because of this, is contrary to the spirit of our founding fathers. The presumption is that its ethics, that of the Communist Party, its purpose and its ideals are comparable to those of the Republican and Democratic Parties. This is a grave error, but it furnishes Communists and ultra-liberal organizations, operating in the United States, with an irreputable argument that there is no law against being a Communist or against the organization of the Communist conspiracy.

The basic philosophy of our major political parties is adherence to moral principals resulting from a belief in a moral God. The motivating principals, whether in whole or in part, which inspire both parties in their programs for social welfare and national defense are completely absent in the Communist conspiracy. To fail to recognize it is to ignore the driving force of our

Republic. There can be no room for a political party in the United States which denies moral law by denying a moral supreme being. This is not sectarian theology; it is the fundamental law of free government for without these moral concepts there can be no freedom. Hence, the Communist conspiracy violates the basic tenets of a legitimate political entity in the affairs of this State and because of this, should be denied the privilege of filing as a political party whether it ever chooses to do so or not. The very fact that the people of this State express themselves by outlawing the Communist movement in itself constitutes and endorsement of the principals contained in the preamble to our Constitution and repudiates the Godless structure of Marxism.

When officers of this State are elected by the people, many of them swear on the Bible that they pledge themselves to uphold the Constitution of the United States. How can a Communist swear on the Bible which he denounces as bunk; and how can he pledge himself to uphold the Constitution which he is dedicated to destroy. We have reached a stage in the serious struggle to preserve the institutions of this great land when we must end the inconsistency of condemning the Communist conspiracy on one hand and recognizing it by implication on the other.

I maintain, and I'm sure that all loyal Americans would uphold, my contention, if they knew the facts, that no Communist can discharge his responsibilities as an elected official of this State or of any State in the Union in the light of the oath he must take as a dedicated Communist. He cannot serve two masters. Here is the Communist pledge, gentlemen: I now take my place in the ranks of the Communist Party and the Communist working class. I take

this solemn oath to give the best that is in me to the service of my class. I pledge myself to spare no effort in uniting the workers in militant struggle. I pledge myself to rally the masses to defend the Soviet Union, the land of victorious socialism. I pledge myself to remain at all times a firm and vigilant defender of the Leninist line of the party, the only line which insures the triumph of Soviet power in the United States.

Now, gentlemen, the question of civil rights is brought up by the local brand of Reds in California to lend credence to their arguments that it is the inherent right of Americans to operate as a legal political party under the guarantees of the Bill of Rights. This is in complete disregard of the true nature of the Communist conspiracy which seeks the protection of the Bill of Rights only long enough to gain the strength in order to destroy it. Under Communism all individual rights are abolished; all rights of free speech, free assembly, and free press are obliterated with the threat of liquidation or banishment to a slave labor camp in Siberia. The hue and cry for civil rights to protect this evil force in our State is a sham and a delusion, and it denies the historic facts; it denies the awful fate which awaited other free peoples who listened to the honied words of propagandists and organizers who were seeking to build the conspiracy in that country.

Now the Committee of the California Assembly gathered here has a unique responsibility, I believe, and a great opportunity to articulate by direct action the will of the vast majority of citizens in this great State. Our people want to deal with a Communist conspiracy decisively. They do not want destruction of free government, and they do not wish to surrender personal

freedom and property rights to a ruthless inhuman Soviet dictatorship. Gentlemen on this Committee, if this question were put to the people of the State of California, to our voters, there's no doubt in my mind, whatsoever, what their action would be. The people of the State of California would outlaw the Communist conspiracy. And I hope that this Committee will do the same -- or recommend the same.

CHAIRMAN CROWN: Thank you Dr. Lechner.

ASSEMBLYMAN FRANCIS: Mr. Chairman and members, the next witness is Norman H. Moore, Vice-President of the National Council of Police Associations and Chairman of the Committee on Subversive Intervention into Law Enforcement Operations.

MR. MOORE: I am Norman H. Moore, and I would like to introduce a gentlemen who has done a great deal for law enforcement in different police associations that is with me here today, Attorney Stan Palmer. Honorable Chairman and Members of the Elections and Reapportionment Committee of the State California Assembly.

First may I establish that although I am a member of the Los Angeles Police Department, I am not representing that Department or any other Police Department today. I am representing the National Conference of Police Associations which in turn represents approximately 224,000 peace officers throughout the United States, including about 18,000 in California, as Chairman of the Committee on Subversive Intervention Into Law Enforcement Operations.

I have researched the intent of AB 1263 to the best of my ability and have gathered what I consider many pertinent facts from various sources and I have based my opinions and conclusions in relation to this particular bill in Section 2540.4 of the

Elections Code on this information and that prepared for me by Attorney Loyd Wright, Past President of the American Bar Association and former Chairman of the United States Commission on Government Security.

In 1940 both the federal government and California enacted legislation relating to communism. The federal statute known as the Smith Act is found at 18 U.S.C., Sections 9 through 13, and makes the following unlawful:

1. To advocate the overthrow of any government in the United States by force or violence;

2. To disseminate, read or print matter advocating such forceful overthrow of the government; or

3. To organize or join any group advocating the overthrow of the government by force, knowing the processes thereof.

In the same year, 1940, California enacted Sections 2540.3 and 2540.4 of the Elections Code. These sections as they were originally enacted prevent any political party in California from being recognized or qualified to participate in any primary election which used or adopted as part of its party designation the word "communist" or any derivative of the word "communist". These sections which were repealed in 1953 are set forth as they were originally enacted.

"Section 2540.3: Notwithstanding any other provisions of this code, no party shall be recognized or qualified to participate in any primary election which uses or adopts as part of its party designation the word 'communist' or any derivative of the word 'communist'.

Section 2540.4: Notwithstanding any other provisions of this code, no party shall be recognized or qualified to participate in any primary election which is directly or indirectly affiliated, by any means whatsoever, with the Communist Party of the United States, the Third Communist International, or any other foreign agency, political party, organization or government or which either

directly or indirectly carries on advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which directly or indirectly carries on advocates, teaches, justifies, aids, or abets a program of sabotage, force, and violence, sedition or treason against the government of the United States or of this State."

Even prior to 1940, California had enacted criminal syndicalism statutes which are found in Sections 11400 through 11402. These sections do not specifically name the Communist Party or any derivative of the word communist but are general statutes relating to sabotage or unlawful acts of force and violence to accomplish a political change.

In California statutes quoted above, Sections 2540.3 and 2540.4 of the Elections Code, were held invalid in 1942 by the California Supreme Court in the case of the Communist Party v. Peek, 20 Cal. 2d 536, on the ground that by specifically naming the Communist Party there existed an arbitrary rather than reasonable classification and was therefore invalid. The Court in the Peek Case held, however, that the protions of Section 2540.4 disqualifying from participation in any primary election any party which carries on or advocates the overthrow by unlawful means the government of the United States or the State of California was valid and was severable from the invalid protions of the section.

The validity of the Smith Act was originally sustained by the Supreme Court in the case of Dennis v. United States, 341 U.S. 494. The late Associate Justice Robert H. Jackson in a concurring opinion of the Dennis case characterized communism as follows at 341 U.S., page 563:

"Communism, the antithesis of anarchism, appears today as a closed system of thought representing Stalin's version of Lenin's version of Marxism. As an ideology, it is not one of the spontaneous protests arising from American working-class experience. It

is a complicated system of assumptions, based on European history and conditions, shrouded in and obscure and ambiguous vocabulary which allures the ultra-sophisticated intelligentsia more than our hard-headed working people. From time to time it champions all manner of causes and grievances and makes alliances that may add to its foothold in government or embarrass the authorities.

"The Communist Party, nevertheless, does not seek its strength primarily in numbers. Its aim is a relatively small party whose strength is in selected dedicated, indoctrinated, and rigidly disciplined members. From established policy it tolerates no deviation and no debate. It seeks members that are or may be, secreted in strategic posts in transportation, communications, industry, government, and especially in labor unions where it can compel employers to accept and retain its members. It also seeks to infiltrate and control organizations of professional and other groups. Through these placements in positions of power it seeks a leverage over society that will make up in power of coercion what it lacks in power of persuasion.

"The Communists have no scruples against sabotage, terrorism, assassination, or mob disorder; but violence is not with them, as with the anarchists, and end in itself. The Communist Party advocates force only when prudent and profitable. Their strategy of stealth precludes premature or uncoordinated outburts of violence, except, of course, when the blame will be placed on shoulders other than their own. They resort to violence as to truth, not as a principle but as an expedient. Force or violence, as they would resort to it, may never be necessary, because infiltration and deception may be enough.

"Force would be utilized by the Communist Party not to destroy government but for its capture. The Communist recognizes that an established government in control of modern technology cannot be overthrown by force until it is about ready to fall of its own weight. Concerted uprising, therefore, is to await that contingency and revolution is seen, not as a sudden episode, but as the consummation of a long process."

The only apparent provision in the Elections Code relating to this subject would still be Section 2540.4. The prior sections which are quoted above, Section 2540.3 and 2540.4 of the Elections Code, were repealed in 1953, with Section 2540.4 being re-enacted as changed. The section as it presently reads is as follows:

"Section 2540.4: Parties disqualified. Notwithstanding any other provisions of this code, no party shall be recognized or qualified to participate in any primary election which either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which directly or indirectly carries on advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition,

or treason against, the government of the United States or of this State."

Comparing the present language with the Peek decision, it is disclosed that the Legislature acknowledged that decision by repealing Section 2540.3 entirely and by changing Section 2540.4 by deleting any direct reference to the Communist Party or Third Communist International.

The more recent court decisions have taken a stronger position against the Communist Party than have the federal court decisions. In the case of Yates v. United States, 354 U.S. 298, the United States Supreme Court limited the effectiveness of the Smith Act by distinguishing between advocating and teaching concrete action for the forceable overthrow of the government and mere passive statement of principles divorced from action. In other words, criminal advocacy must urge its hearers to do something rather than to merely believe something, or so said the Supreme Court in the Yates decision.

The Yates decision should be compared to the Black v. Cutter Laborators, 43 Cal. 2d 788. This 1955 decision of the California Supreme Court generally reviews the state of the law on communism as of that date. The case also sets forth the federal and state legislative declarations declaring that there is a clear and present danger to the United States and the State of California from the world communist movement. The Court also stated that California has recognized that membership in the Communist Party with the full implications of dedication to sabotage, force, violence and the like constitutes a violation of the California Criminal Syndicalism Act.

Section 1028 of the Government Code of the State of California is set forth as follows:

"It shall be sufficient cause for the dismissal of any public employee when such public employee advocates or is knowingly a member of the Communist Party or of an organization which during the time of his membership he knows advocates overthrow of the Government of the United States or any state by force or violence."

The preceding section of the Government Code, 1027.5 is a legislative declaration of the unlawful purpose and activities of the worldwide communist movement.

Some recent examples of known communists who have participated in California elections are as follows:

May I interrupt at this point, Mr. Chairman, you said that you didn't want names listed, however, one of the names I have here was previously mentioned today, but the names are not really important if I can cite the incident I would be more than happy to refer to them as candidates A, B, and C. What is your pleasure?

CHAIRMAN CROWN: I have no objection as long as a man has been a candidate for office on the Communist Party ballot. Certainly that's public record. You're entitled to mention his name.

MR. MOORE: Fine, I wanted to comply with your ruling, Sir. No. 1: Archie Brown. Identified as a Communist by Stephen Wereb in testimony before the House Committee on Un-American Activities, Federal Building, Los Angeles, California, July 1-2, 1955. Archie Brown is generally referred to as a number two Communist in the State of California. He ran for Supervisor in San Francisco County in 1959 and received over 33,000 votes. Archie Brown, according to the Communist People's World of July 29, 1961, is again a candidate for the office of Supervisor of San Francisco County.

No. 2. Holland D. Roberts. Testimony before the Subversive

Activities Control Board in 1956 indicates that Mr. Roberts had been a member of the Communist Party.

CHAIRMAN CROWN: Just a moment, let me interject at this point. Are these next gentlemen all candidates for public office and have they been identified as running on the Communist Party ticket?

MR. MOORE: None of these ran on the Communist Party ticket, Sir. These are ....

CHAIRMAN CROWN: Are they admitted Communists?

MR. MOORE: They have either - they are either admitted or they have been identified before Congressional hearings.

CHAIRMAN CROWN: Well, the latter is not sufficient. Any man or woman who is an admitted Communist or who has run on the Communist Party ballot, we have no objection to being identified. But no one else can be charged today with being a Communist which in the public mind is a criminal act -- whether or not it is legally so -- and since that person is not present to rebut such statements, the Committee could not tolerate such an accusation.

MR. MOORE: Sir, then on No. 2, may I refer to this as candidate B?

CHAIRMAN CROWN: Yes.

MR. MOORE: All right. It would be candidate A I should say. No. 2, Candidate A. Testimony before the Subversive Activities Control Board in 1956 indicates that Mr. - Candidate has been a member of the Communist Party. He is a former founder and director of the now defunct California Labor School which has been cited as a subversive organization or Communist front. In June, 1958, at the California Primary Election, Mr. Candidate ran for office of State Superintendent of Public Instruction. Although defeated he received

359,324 votes.

Again, may I interrupt, Mr. Chairman? This next one is a self-admitted case, may I use that?

CHAIRMAN CROWN: Yes.

MR. MOORE: No. 3, Bernadette Doyle. She is a self-announced Communist Party member and former San Diego, California, Communist Party organizer and ran for Superintendent of Public Instruction in the State of California in 1950. She was endorsed by the Communist Party and although defeated received 605,393 votes.

The current Communist Party line, of course, is that there are only four to six thousand communist in California and, therefore, a communist candidate or the Communist Party is no threat, due to the fact that they lack the required numerical strength to qualify is invalid, not only due to the foregoing examples of Communist who have participated in recent California elections but when you consider the Communist theory of multiple, which they utilize, their multiple strength is gigantic in relation to the actual number of party members. This multiple has been on the increase for years.

For example, in 1947, the party had approximately 83,000 members. At that time the multiple was 10. Although the Party has steadily decreased its declared membership, since 1947 the multiple has increased to 20 at this time. In addition to the multiple of 20, there are many other organizations and individuals who for various reasons rally behind communist causes, objectives and activities.

Another point that should be re-affirmed is the well-established fact that the Communist Party is not a poltical party as recognized

in any democracy and certainly not in the United States when American tradition is taken into consideration; it is an international criminal conspiracy.

Judicial decisions since 1942 when the Peek decision was rendered have taken a stronger stand against the Communist movement. At the same time we have the Yates decision of the United States Supreme Court which seems to distinguish between passive and active activity in the communist movement. Therefore, in spite of the various legislative and congressional declarations as to the illegal and unlawful purposes of world communist movement, and in spite of decisions such as Black v. Cutter Laboratories in California, a person or group of persons adhering to communist principles could contend that they as a group and individually did not advocate the forceful and violent overthrow of the Government of the United States or State of California. They might very well contend that they merely teach the principles of communism rather than urge or advocate that any affirmative action be taken of a forceful or violent nature. The only section in the Elections Code relating to this type of problem is Section 2540.4. Since the provisions of that section directly naming and identifying the Communist Party, Communist movement and Third Communist International were deleted in 1953, it might possibly be contended that a political party contending that it merely taught the principles of Communism could legally be placed on the ballot. There would be no question about such a party not being qualified if the Assembly Bill was enacted specifically naming the Communist Party or world communist movement. Whether or not such a statute would again be held invalid as an arbitrary classification as in the Peek

case is an open question.

The question presented was whether or not the present statutes are adequate to prevent the Communist Party candidate from being placed on the ballot in California. The answer to this would be no. The basis for the answer is explained above. The party calling itself the Communist Party might content that it did not adhere to the principles of the world communist movement and was merely trying to cause change in the form of government by peaceful means. If this was true, such a party could legally be placed on the ballot at this time.

For the foregoing reasons the position I take in relation to AB 1263 is that I wholeheartedly support the bill and additionally I feel that the people of the State of California deserve the additional protection that this bill is designed to offer. And at this point I depart from the prepared text and I've added one paragraph. You will note that recently when known Communist have run for public office they do not run as Communist Party members. For this reason I feel Assembly Bill 1263 should be amended so that Communist would be prevented from running for public office under any conditions. Any legislation designed to legally and effectively curb Communist infiltration is in line with the policy of the National Conference of Police Associations; for since the inception of the Communist Party, U.S.A., in 1919, the Communists have waged war on our society in its first line of internal defense --law enforcement. Official instructions were sent out by the Communist International in Moscow in 1921 on how to organize work against the police, and they have not ceased since. Thank you, gentlemen.

CHAIRMAN CROWN: Thank you very much, sir. Mr. Unruh.

ASSEMBLYMAN UNRUH: Tell me how this bill or the bill as amended as you have suggested would protect us from a Communist running if that Communist were not a self-admitted Communist and ran as a member of some other party. Let's assume he ran as a Republican.

MR. MOORE: Well, that's a recommendation. You see undoubtedly we're going to have people working underground that are not identified Communist Party members, but what if we had a man that did as you suggest and ran for poltical office and then it would determine by adequate investigation that --

ASSEMBLYMAN UNRUH: Now, who would do this investigation?

MR. MOORE: Well, I would assume you would have this done on the Federal level if it came about as a result of the....

ASSEMBLYMAN UNRUH: Not if it's a State law.

MR. MOORE: I beg your pardon.

ASSEMBLYMAN UNRUH: Not if it is a State law. That's all we're talking about.

MR. MOORE: You asked how we would find out, I would say that in all probability your Federal government investigating agencies, if they were to turn up information that a candidate or an office holder were a member of the Communist Party and this information were made available to the authorities in California, that appropriate action could be taken.

ASSEMBLYMAN UNRUH: Are you suggesting one further step in this bill; that the candidate be subjected to an investigation by let's say the Federal Bureau of Investigation? On what kind of a mechanism would you precipitate such an investigation. Let's say Mr. Lanterman here were running on a ticket or Mr. Elliott

down the other end, who happens to be a Democrat, who would precipitate such an investigation. Suppose I felt that either of them might be a Communist, where would I go to start such an investigation in motion.

MR. MOORE: Well, I'm not suggesting that this investigation or that this be a part of my presentation and I'm not suggesting that this investigation be done....

ASSEMBLYMAN UNRUH: Well, I want to know how you think the bill protects us in those situations?

MR. MOORE: If it would be necessary -- if this law were enacted with the amendments that I suggest, you might place this responsibility in the hands of the Attorney General of the State of California. A further amendment when you analyse this may be necessary. I'm not advocating this additional step though.

ASSEMBLYMAN UNRUH: Oh, you're not.

MR. MOORE: No sir.

ASSEMBLYMAN UNRUH: Without that additional step, how would the bill as you suggest this amendment protect us against your fears.

MR. MOORE: I'm not sure that I follow you, Assemblyman.

ASSEMBLYMAN UNRUH: Well, how would you prevent this hypothetical situation. I'm sure that you're conversant enough with the Communist Party to know that they're not foolish enough to think they can win an election when they are branded as the Communist Party. Their best hope of winning something is under some subterfuge -- under some front operation running as a member of another party. And quite obviously the easiest way to elect a communist would be to run him as one of the major party members.

Now if that is somewhat true -- if it isn't please tell me -- but if that is true then how would this bill even with your suggested amendment protect us from that eventuality.

MR. MOORE: Well, I would assume sir, that with the amendment that I'm suggesting here that you could then utilize information that's available not only through our State, but through our federal government.

ASSEMBLYMAN UNRUH: What information is available? I don't have the F.B.I. files, do you have them?

MR. MOORE: No Sir, I don't.

ASSEMBLYMAN UNRUH: Do you have access to them? Who has access to the F.B.I. files? Somewhere you've got to go one step further in this and make the further suggestion that somebody give clearance to this candidate, and if you make that suggestion then you have to go the step further and say that every candidate would have to have clearance from whatever agency you set up, don't you? In other words, what you would do would be to set up the Attorney General if you sent the cases as far as you suggested, as a sort of a supreme "go-lighter" to handle this or whatever other agency you suggested.

MR. MOORE: Well, I think what we have to do here is walk before we run. We have a situation that -- as previous testimony indicated today -- from the psychological standpoint alone that the people of the State of California and the people in the United States are deserving of legislation of this type with the world situation as it is today. I haven't gone into that what I've attempted to do here is make an investigation because I read articles in the newspaper that were quoting our Chairman, Mr. Crown,

stating that the testimony today would be specifically in relation to whether or not the present law is sufficient. Now, if you would like -- I understand you're going to have another hearing on this -- I can research this additional point that you raise, and at that time I will be able to give you some concrete opinions based on what I find.

ASSEMBLYMAN UNRUH: But you have no concrete opinions on that at this point?

MR. MOORE: At this point I think that we would have to look at it a little closer. I think that there is sufficient information available now, through various sources in our State and in our federal government, that would uncover anyone running under the guise of respectibility if they happened to be a Communist.

ASSEMBLYMAN UNRUH: What agency would you charge this with? Who would you charge with the responsibility for determining whether a candidate is a Communist or not?

MR. MOORE: Assemblyman Unruh, as I pointed out, I would like very much, if you would like me, to research this, I'd be happy to do it. I'm not in a position to go into all the ramifications because one thing leads to another and as I say as the bill now stands, it's a situation that we're walking before we run.

ASSEMBLYMAN UNRUH: I think it's very important that those of us who are on the Committee all of whom have to stand for or withstand elections, that we would sort of like to know if this is the kind of legislation you're urging upon us. Who is the supreme being, who is going to pass upon whether we are Communists or whether we are not Communists.

CHAIRMAN CROWN: The Chair will read from the Legislative

Counsel's Opinion of August 30, 1961, "While AB 1263 would have the effect of listing the Communist party by name as one of the parties which is subject to the section, the essential requirement of the section remains. The party prohibited from participating in a primary election must be determined to be engaged in subversive activites. This determination is made at the instance of the Secretary of State with the advice and consent of the Attorney General subject to review in the State Supreme Court."

I read that paragraph to illustrate that it is the opinion of the Legislative Counsel that even if AB 1263 does become law, as Mr. Francis stated this morning, the issue still would, in this situation, be adjudicated before the Supreme Court as to the subversive nature of the bill. So with that in mind, Mr. Francis, I think that you could entertain amendments to your own bill to try to change that situation.

Your right on time now, Mr. Francis. Divide 165 minutes by eight witnesses and you come out a little more than 20 minutes a witness, and you're right on that now. You've had two witnesses; you have six more.

ASSEMBLYMAN FRANCIS: Thank you. Mr. Chairman and members. The next witness is Roscoe Morse, Commander of the California Department of the American Legion.

MR. MORSE: Mr. Chairman, Members of the Assembly Committee, I'm Roscoe Morse, the Commander of the American Legion for the Department of California. The 811 posts comprising approximately 140,000 war veterans in the 30 districts from National City in the South to Crescent City in the North of California, in repeated department conventions, have urged that, in the interest of

national security, effective legislation be enacted to deny Communism and/or Communists the privilege of a political party.

In short, the American Legion urges the Legislators of the sovereign State of California to outlaw the Communist Party as a political party.

Official documents compiled by California legislative committees, by congressional committees, by official entities of the government on many levels and by authentic and accepted American leading organizations prove beyond a doubt that Communism is actually a criminal conspiracy.

Information revealed to public notice following official government investigations labels the American Communist Party as a wing of the parent Soviet organization under which parent group the American unit operates.

Members of this Committee, holding the position of responsibility which they do, must certainly be aware that the Communist designed for world conquest which their current leaders predict will meet with success during our generation.

In view of this knowledge, it is the intent of the American Legion to underscore only a few, brief proofs that Communism, in reality, is not a political interest, but a serious threat to the sanctity of freedom and a potent danger to the security of our citizenship.

In 1958, the American Bar Association warned: "The greatest asset that the Communists have at the present time is not the hydrogen bomb, certainly not Soviet satellites, but world ignorance of their tactics, strategy and objectives."

The Soviet plan has been exposed to world scrutiny by their cunning and duplicity wherein they utilize every conceivable tool to accomplish their ultimate objectives which are world domination and monopolistic slavery. These tactics include what they would have us believe to be "political" approaches, and the expression "political" is not by way of a "political party" as accepted in the American sense. It means a path to destruction.

The Supreme Court of the United States has recently ruled that the American Communist Party is a "Foreign Agency" whose members and sources of income must be registered and recorded with an agency of the government.

Official documents (transcripts) on the recordings of hearings which prompted the passage by the Congress of specific security measures are filled with facts proving Communism to be a criminal conspiracy and not a political party. That is why we have on the federal statutes such legislation as a Smith Act, the Internal Security Act, and the Subversive Activities Control Act.

On page 55 in the booklet Facts on Communism, Volume 1, The Communist Ideology, printed by the United States Government Printing Office, Communism is defined as, "a doctrine of revolution as a 'necessary' event in the process of history, rather than in terms of human suffering and people's hopes."

On page 5 in the book Masters of Deceit, J. Edgar Hoover, Chief of the Federal Bureau of Investigation, states, "Moreover, there is the sobering fact that since the end of World War II we have spent billions of dollars to defend ourselves from Communist aggression. This burden will continue to mount until the world is free from the Communist menace."

The American Legion submits that such a menace should an must not be permitted to operate under the false cloak of a political party in California.

Mr. Hoover, in the same treatment on page 6, continues: "Communism is more than an economic, political, social or philosophical doctrine. It is a way of life; a false, materialistic religion. It would strip man of his belief in God, his heritage of freedom, his trust in love, justice and mercy. Under Communism all would become, and so many already have, 20th Century slaves."

The American Legion has implicit faith and confidence in Mr. J. Edgar Hoover and is firmly convinced that Communism has no place in the family of political parties in the State of California because of the proof he submits.

On August 18, 1961, at the Triennial Meeting of the Middle Atlantic States of the Associated Press, at White Sulphur Springs, West Virginia, Secretary of Labor, Mr. Arthur Goldberg stated: "What distinguishes the United States in the world today is not the newness of our institutions but their durability. This, of course, is dramatically so with regard to our form of government. We shall neither blow up nor give up. It is our view that those who see us outclassed abroad and subverted at home have little understanding of our country or our people. For on to two centuries this Republic has shaped its own destinies, and we do not now propose to submit to the fomulas of Carl Marx or Herbert Spengler."

The American Legion submits that the truisms uttered by the Secretary of Labor are all the more emphasized because we, as a people, have never recognized the encouragement of violence and

armed rebellion as a necessary adjunct to a political party - and such adjuncts are known to be incentives among Communists who have no rightful place in the politics of this State or Nation.

The menace of Communism has caused important industrial firms in our State to alert their employees against such doctrines. The Sandia Corporation's thousands of employees have had made available to them in California plants, a number of booklets on reading racks. One such publication printed by the Koster-Dana Corporation of 76 Ninth Avenue, New York, titled Vigilance - the Price of Liberty, contains a timely statement. It says: "Many people still seem to think that Communism simply represents a political system with daring economic and social concepts...The antagonism between Communism and Democracy is not a matter of economic doctrine or social structure. It lies in a different conception of man and his rights and duties. Communism, like any other dictatorship, cannot tolerate democratic liberty, impartial justice, and the respect of the individual, which are the foundations of our Western civilization...Today's dictator, Mr. Khrushchev, while speaking about 'peaceful coexistence' does not forget to add: 'Whoever imagines that our smiles announce a reversal of the teachings of Marx, Engels, and Lenin is sadly mistaken. Those who are counting on this can wait until shrimps have learned to whistle.' And in July, 1960, he stated: 'I want to see with my own eyes within my own lifetime the Red flag flying over the whole planet.'"

The American Legion submits that when great industrial institutions of this nation find it necessary to caution their employees against the evil of Communism, then those great industrial leaders must have divorced Communism from politics and recognize the move-

ment as subversive and in violent opposition to the best interests of our State and Nation.

Nowhere in the scheme of our system of political parties is there room for subversion which is the underlying plan of Communism.

The American Legion submits that every member of the California Legislature is aware of the real purpose of Communism. Certainly, none can be so removed from the day-to-day happenings of our time to honestly believe that any facet of Communism can, in clear conscience, be labeled political in the American sense. To openly, or otherwise, grant Communists the status of political party in California would be an endorsement of their aims.

Members of the American Legion in California are affiliated with various political parties. They, even as members of this Committee, belong to both major parties and are your constituents. We, like you, believe in the party system of government as practiced in our Country and in our State. But we know of no political party which has for its prime purpose the overthrow of our form of government by force and/or violence as has been repeatedly revealed so by the so-called Communist Party.

Neither of your great major parties follows the teaching of Lenin, Marx, Stalin or Khrushchev. Therefore, we submit, that so long as you have the authority and the power granted by the free electorate to maintain the free system of political parties in California, that authority and power be applied to the extent that legislation be enacted to prevent the recognition of the Communist Party as a political party in the State of California.

Such action will be in conformity with the best traditions of loyalty and to the trust of the legislative office which each

of you holds and will be another progressive step toward the perpetuation of the heritage we of the Nation's wars have fought to preserve.

CHAIRMAN CROWN: Thank you, Mr. Morse. Will you call your next witness, Mr. Francis?

ASSEMBLYMAN FRANCIS: The next witness is Captain E. Richard Barnes, U. S. Navy retired, former District Chaplain of the 8th Naval District, San Diego.

CAPTAIN BARNES: Mr. Chairman, members of the Committee of the Assembly, I might further identify myself by saying that I am a resident of San Diego - have been a voting resident there since returning from Korea in '52. I'm also a retired member of the Methodist Conference, the California-Nevada Conference with headquarters in San Francisco. You have heard expert testimony, legal and otherwise, and I'm not qualified to contribute anything in that field. As a Chaplain with the Navy for twenty years, I would like to talk about four groups of people, just briefly, in relation to this proposed amendment - this legislation.

First of all, I would like to feel that I am representing a great host of common people of which we are all a part here in California particularly and in the Nation. I believe there is a growing ground swell of concern and of desire for definite and clear cut and flat-footed stand on the major issue of our time. Recently a very prominent churchman of California, member of my Church, after returning from a visit to Russia wrote to the churches of his area and said, "I bring you nothing for your comfort and I write this with a terrifying sense of urgency; it is later than you think. The time of crisis is upon us. For the first time in our

history a ruthless foe challenges the faith by which we live. Life is stabbing us awake. Either God is or He is not: either a man is of value as a citizen of the State or he is of ultimate significance because he is a child of God. These two ways of life; both of these ways cannot be true. One of them will overthrow the other. It is no longer of debating little theological points with our friends. It is a matter of meeting head-on a mighty force which denies the foundation of our faith. Once again, God confronts every Christian with his ancient word, 'Choose you this day'."

Recently on the Floor of the Senate this message about the fact that we are in a survival conflict was declared in these words. "Despite the fact that Communism is at war with us in the United States in a protracted conflict more total than any conflict before experienced on this planet in that it is psychological, political, economic, diplomatic, subversive and military in nature; there is irrefutable evidence that many in our midst do not understand that we are indeed at war and that our liberties and our very survival as a nation hang in the balance."

Mr. George Meany, president of the AFL-CIO, "the conflict between Communism and freedom is the problem of our time; it overshadows all other problems. On the outcome of this conflict depends the future of all mankind."

Another voice that has spoken, and many of us follow this thinking, back in '37 Pope Pius XI in his encyclical letter asked a searching question about Communism: "How is it possible that such a system long since rejected scientifically now proved erroneous by experience - how is it, we ask, that such a system could spread so rapidly in all parts of the world?" He answered his own question in these words: "The explanation lies in the fact that too

few have been able to grasp the nature of Communism." He went on to say: "There is another explanation to the rapid defusion of the communistic ideas now seeping into every nation great and small, advanced and backward, so that no corner of the earth is free damage. This explanation is to be found in a propaganda so truly diabolical that the world, perhaps, has never witnessed its like before."

Recently a great Protestant theologian in Zurich, Switzerland, Emil Brunner, said: "Yes, humanity faces two great questions - two great crisis moments: One is the danger of war - hot, thermo-nuclear war. The other is the danger of Bolshevik control."

These voices are certainly backed up by the voices of the Communists themselves. Marx says annihilate all enemies. Lenin says before the end frightful collisions between the Soviet and other states will be inevitable. Stalin says the dictatorship must be replete with wars and conflicts, advances and retreats, victories and defeats. Khrushchev is said to have declared that we will bury you. More recently, in his very significant speech of the 6th of January, 1961, which is quite thoroughly analyzed in this document that has come from the United States Printing Office, he makes this statement in his important policy sppech he says: "It is in the interest of the working class of the masses that the revolution be carried out in a peaceful way, but in the event of the ruling classes resisting the revolution with violence and refusing to submit to the will of the people, the proletariate will be obliged to crush their resistance and launch a resolute civil war."

And so it seems to me that the common people are aware, as a recent editorial in the San Diego Tribune pointed out, that the common people are even more aware than the leaders of our government

that we are in a survival conflict. This survival conflict, it seems to me, is of a unique nature. First because of the demonic drive and ideology of the Communists as pointed out in the quotation from the Pope; and, secondly, as a unique moment in history in the age-old struggle between labor and freedom because of the terrifyingly powerful tools - the shining tools of modern technological science. These tools make out of the single warrior a million warriors. With the radar he can see through the night and the storm as they did when we were down at the Guadalcanal Campaign, shooting two Japanese ships off the surface of the sea without ever seeing them in the middle of the night and in a tropical storm. With the radar he can see far out through the night and the storm; with the radio he can listen around the world; with the jet airplane he can run faster than sound; and with the thermo-nuclear devise his ancient sword arm becomes like a lightning bolt. Yes, the nature of this war is unique in that sense and if we lose it, if we should ever lose the source of these tools, the scientific laboratory and the processing plant from which they come, we would have had it. It would have been over, and it will indeed move us into not a black middle ages but a red night of terror.

And I think, in the third place, this is a unique conflict - a unique moment of survival because of the fourth dimensional war capabilities, strategy and tactics that have been developed by the Communists. Unfortunately, we have permitted them to develop land, sea and air. This brings me to the second group of people that I have not been commissioned to speak for here, but I can tell you out of my experience that the most frustrated men that I know in the last number of years are the admirals of the Navy and the generals

of the Marine Corps on whose staffs I have served. They have been charged by the American government and the American people to develop a tremendous department of defense to protect this Nation; and they have developed a three-dimensional defense, deterrent capability, land, sea, and air. But they have to stand by and watch while these Communists, since the days of the instituting of the "Lenin Institute of Psycho Warfare" over forty years ago, who have developed and skillfully manipulated and are actually applying, skillfully, a fourth-dimensional non-military strategy and tactics which go right through this defense department, right over it, around it, and under it and grab off great sections of the earth's surface and segments of the population. And I've been on their staffs, I reported to the Commandant of the Eighth Naval District after leaving the 1st Marine Division at Pendleton three years ago. I reported to Admiral Schindler in September of '58, and he said to me, "The first thing,Chaplain, you report to my staff I want to tell you I've been in the uniform of my country for over forty years, but the ghastly fear that lives with me day and night is that we are going to lose this God-blessed land without the dropping of a bomb or the firing of a shot; for they are skilled masters of conflict in the fourth dimensional non-military strategy." He was operating under a directive that had come down from the National Security Council in 1958 through the Secretary of the Navy and through C. & O. that all departments of the government, including the military establishment, would provide leadership in the matter of the Cold War that this was where we were losing and we must get into it. And Admiral Schindler serving five states started out through that whole community of Texas, New Mexico, Arkansas, Oklahoma and Louisiana with his

staff in every way possible to work for the alerting of the communities in those five states to the nature of Communism, to what its organizational structure was, what its goals were, how it proposed to achieve them, and how it was succeeding. Among other things he developed the great Lubbock Plan, Project Alert, in Lubbock, Texas. I don't know what he would do today under some of the more recent directives, but that's what he did then; and we had the privilege of working with him.

This fourth dimensional war, infiltration, subversion, coalition, propaganda, semantics, thought control, double language, and peaceful coexistence is a fantastically successful strategy that they have developed. And the matter of the fact is that we are losing; and we have been losing and we've got to begin to recognize what this thing is and call it what it is, and I believe that the people of California, as well as your military leaders, and two other groups that I wish to mention, some of them are dead, would tremendously look to you as capable, intelligent lawmakers of this State to somehow formalize this business of clearly recognizing the enemy and clearly stating it so that we know where we're going, such as the resolution that was recently presented before the Congress.

Now, the third group that I would like to feel that I am representing here today are your American men, some of them, and are the victims of Communism. Back a few years ago a very brilliant young former Naval doctor by the name of Tom Dooley was out in Laos with Medico. In his book he tells how he had been working all the time to get up close to the Chinese border, and at last they permitted him to go up there. And when he got there he said he and the fellow Americans, the corpsmen that were with him, looked up the

grade - up the hill - and he said it was a solemn moment because we knew that on the other side of the ridge was rim of Hell. Well, as a matter of fact, that whole territory - all that work that Tom Dooley did in Medico is all gone swallowed up by Communism today. Well, I was with Tom Dooley at Haiphong in the late summer of 1954 when the American government assigned the Navy, and the Navy assigned the amphibious force, and I was on the staff of Tom Sedpock and they assigned us to go out there with all these Navy ships and carry these North Indo-Chinese people down South to freedom; the thing was called Passage to Freedom. It was under control of Admiral Sabin. And here, after the great nations had split another nation in two, they said to these people if you want to get away from Communism - if you don't want to live under tyranny - if you don't want to live under slavery, come down to Haiphong and there the American ships will pick you up and carry you 800 miles south to Saigon; and that's what happened. A million of those people, and I was there with Tom Dooley who ran the medical department and the aid station. Just a ghastly thing - back from the rim of Hell - yes, I tell you that I lived with those people. I sailed on the ships 800 miles south with thousands of these refugees. You can't imagine - you can't imagine what these people had been through.

Four years earlier, in September 1950, I had gone out to the Korean War under Naval orders, and I spent 15 months in Korea, the last seven months in Korea with the Marine air wing. And, gentlemen, the people, three million of them, who came down out of North Korea fleeing from this Red terror who had looked into the face of Hell itself; I mean, I think that these victims of Communism would like to have me speak for them here today, for I lived with them

and helped them. All the medicine, the vitamins, all the food, and everything the Navy could give me, I took down to Pusan and other refugee centers. Took it down to Pusan to the Maryknoll Sisters who had a dispensary there, and in November with frozen ground I have seen those victims of Communism sitting on the ground for four and a half, five, six blocks at 4:00 o'clock in the afternoon. Why? Because tomorrow morning the Maryknoll Sisters will open up the dispensary and maybe take care of my sick baby or this wounded old man. Back from the rim of Hell; I'd like to speak for these victims.

Well, you've got it right in your Life magazine this week. Here's a young fellow - tried to swim the canal. They gunned him down with machine guns. That was it; it was over. Millions of them, fleeing from this so-called paradise. Write to your Assembly of Captive European Nations. Get the documented pictures of the atrocities that have been committed on humanity. Read the message of the freedom fighters off of the streets of Budapest. And this is the last message that came out of Budapest on November 4, 1956: "Civilized people of the world, listen. Come to our help. Not with declarations but with force, with soldiers, with arms. Do not forget that there is no stopping the wild onslaught of Bolshevism. Your turn will come also. Save our souls, save our souls. Civilized peoples of the World, we implore you in the name of justice, freedom in binding moral principles of active solidarity to help us. Our ship is sinking; light is falling; the shadows grow darker every hour over the soil of Hungary, listen to our cry. Civilized people of the World enact - extend us your fraternal aid. S.O.S... S.O.S..May God be with you.." And that's the end. I speak in

behalf of the victims of Communism, and I plead with the legislators of this State or any other of our great republic to help clarify this picture.

Last of all, I speak for the American boy in uniform; I served with him in Korea. Over 7,000 of your boys were captured. They didn't know the nature of Communism and the terrible attack, the assault upon the minds of these boys. Call it indoctrination; call it brain-washing; call it whatever you like. And these boys - over three thousand of them - three thousand of them dying. Half of those died from "give-up-itis". The Communists drove a wedge in his mind between everything that he had ever known, and they drove him back into an isolation cell - not of wood and stone but of his own mind and he gave up. And the doctor finally called it "give-up-itis". So when it was over, the President of the United States issued the Code of Conduct. This is a document issued by your own Department of Defense. The "U. S. Fighting Man's Code", office of the Armed Forces. I wish I had the time to read some of it - President Eisenhower's charge and the six points. Some of them read to you this morning. Here we're talking about identifying this conspiracy by calling it exactly what it is and saying that not only all other subversions but Communism is illegal in this State. Well here you're telling your soldiers and your sailors and your airmen exactly that. Both the will and the skill to resist a Communist foe are strengthened by the knowledge of Communist tactics and techniques. The serviceman who understands the nature of Communist enslavement will do his utmost to avoid it. How can we charge these men to go out and fight Communism? - - Over a million men on a rotational basis to a far away Asiatic peninsula called Korea eleven

years ago. Now it's ninety miles off of Florida. How can we charge these men in the services to go out prepare themselves to fight Communists and to resist brain-washing? If we can't help to clear the air here at home and call it exactly what it is - - They go on to tell this man in uniform - this young American - the moment a prisoner of war fell into Communist hands in Korea the captors launched an assault upon his mind and in his spirit. The Communist aim was to make prisoners of war serve the cause of international Communism; and many of them collapsed and cooperated and betrayed their country. Others, brave heroes, resisted all attempts to make them cooperate; and they did not collapse and did not cooperate.

Well, my dear friends, I'll close with this statement out of your own charge to your soldiers today and your Navy man and airman. Every American citizen whether in or out of uniform must share the responsibility for preserving our freedom and our way of life for in modern warfare the home front is but an extension of the fighting front. Courage and loyalty are expected of every American, and every American might well adopt as his own personal code the Code of Conduct of the servicemen. So I speak for these four groups. They didn't charge me to do so, but I feel the right to speak for these Americans who went out to Korea for I lived with them for fifteen months. I never saw any more frustrated men on earth. You go out and go up against a buzz saw and you bloody yourself, kill yourself - 33,000 dead - but you can't lick it. I speak for these victims of Communism; I speak for these military leaders who have built this great three dimensional defense system, but they're watching this fourth dimensional non-military attack upon America. I speak for the common people of California that I know by the hundreds

since I have been retired on a medical discharge - I mean, I went down under a heart attack a few months ago and in January this year they put me on the sick list - - I should be sitting somewhere with my grandchildren; but I am in this fight to help save America and I plead with you to do anything you can to help clarify this matter so that we can call it exactly what it is. Thank you very much. It's a privilege to be with you.

CHAIRMAN CROWN: Thank you, Captain Barnes.

ASSEMBLYMAN FRANCIS: The next witness is Commander Paul Terry, U. S. Navy (retired), Director of the Department of Education, Copley Newspapers, San Diego.

MR. TERRY: Mr. Chairman, members of this Committee, it is my understanding that you have before this Committee today a hearing to determine the right of the Communist Party to participate in direct primary elections. As a retired naval officer who spent thirty years in the service of my country and who is currently in the newspaper business, I have had an opportunity to observe and study the international communist conspiracy. I wish to go on record as objecting to the participation of, or recognition of, the Communist Party as a legitimate political party entitled to participate in the primary elections of this great State of California. Communism is not by any means just another political party. It is a form of religion, a total commitment designed to enslave a total world. Only by understanding this fact can free men hope to survive.

The House Committee on Un-American Activities in an Associated Press dispatch from Washington dated January 29, 1961, said that there are 25,000 hard-core Communists working in the United States

since I have been retired on a medical discharge - I mean, I went down under a heart attack a few months ago and in January this year they put me on the sick list - - I should be sitting somewhere with my grandchildren; but I am in this fight to help save America and I plead with you to do anything you can to help clarify this matter so that we can call it exactly what it is. Thank you very much. It's a privilege to be with you.

CHAIRMAN CROWN: Thank you, Captain Barnes.

ASSEMBLYMAN FRANCIS: The next witness is Commander Paul Terry, U. S. Navy (retired), Director of the Department of Education, Copley Newspapers, San Diego.

MR. TERRY: Mr. Chairman, members of this Committee, it is my understanding that you have before this Committee today a hearing to determine the right of the Communist Party to participate in direct primary elections. As a retired naval officer who spent thirty years in the service of my country and who is currently in the newspaper business, I have had an opportunity to observe and study the international communist conspiracy. I wish to go on record as objecting to the participation of, or recognition of, the Communist Party as a legitimate political party entitled to participate in the primary elections of this great State of California. Communism is not by any means just another political party. It is a form of religion, a total commitment designed to enslave a total world. Only by understanding this fact can free men hope to survive.

The House Committee on Un-American Activities in an Associated Press dispatch from Washington dated January 29, 1961, said that there are 25,000 hard-core Communists working in the United States

to overthrow the government. Infiltration of high offices of government and political parties is one of the number one objectives of the Communist Party in order to bring about the collapse of the government due to infiltration. Recently we have been told by men in high places of our government that we should be prepared to relinquish our national sovereignty. This would indicate to me that the infiltration has taken place according to the Communist master plan for world domination.

President Kennedy in a speech before the American Newspaper Publishers Association on April 28, 1961, said, and I quote: "If the press is awaiting a declaration of war before it imposes the self-discipline of combat conditions, then I can only say that no war ever posed a greater threat to our security. If you are awaiting a finding of 'clear and present danger', then I can only say that the danger has never been more clear, and its presence has never been more imminent."

It would appear that, since our president recognizes the war we are in and the dangers of Communism, it is unthinkable to even consider placing these traitors on the ballot. The United States and the State of California never needed the full prestige of the influence of this Committee more than today in preventing the further spread of Communism.

The Communists in the United States will argue that they have no connection with International Communism and that they are an innocent political party. Nothing could be further from the truth. This has been an international conspiracy from the very start over forty years ago; and it is today. The convention of the 81 Communist Parties held in Moscow last November is probably the most important

meeting held in Moscow since 1945. The results of that conference were reported in the World Marxist Review of December, 1960. On January 6, 1961, Premier Khrushchev gave an oral report on that convention. His report is recorded on the first 25 pages of the World Marxist Review of January, 1961.

The Moscow Meeting and the Khrushchev Report make very clear the Communist attitudes toward the free world. Among these attitudes are the following:

1. The Communist World is to wage relentless war against the free world until the last capitalist nation is overcome. The No. 1 target being the United States of America. Khrushchev said there can be no peace until the Communists control the entire world.

The Communist Party of the United States expressed its approval of the Moscow Meeting, which was reported on Page 40 of the World Marxist Review for March 1961. While this ties the Communist Party of the United States to the International Communism, it does not represent a change of policy. The Communists in the U.S.A. have made no apologies for their connections with the Soviets through the years. Major Frank Pease, in his book published in 1933, reported on sworn testimony before a committee investigating Communism. The following was obtained from a Communist agent in this hearing, and I quote from this book: "We are proceeding in America just as we are in Europe and throughout the world...We Communists and Socialists will haul down the dirty American rag and fly our own Red flag over the White House. We are boring from within the labor unions. We are penetrating pacifists' organizations, organizing students' clubs, and planting our workers in culture clubs of women. We are organizing to fight the Boy Scouts, the rotten breeding places of patriotism.

We will infiltrate into the American Army and Navy and stamp the men with our cause. Don't think we can't do it! We will drive them like sheep before us. We will put into your legislatures, into Congress, into the Senate, those who will do our work for us. Think these things over. Get America ready for its fall."

In 1936 the House of Representatives conducted an investigation of the Communist Party in which the manual used by all Communists in the United States was entered into the record, and I quote from this manual below: "Lesson I, 1. Fundamentals of the Party program:

A. The Role and Aim of the Communist Party.

Question: What is the aim of the Communist Party and its final goal?

Answer: As the leader and organizer of the proletariat, the Communist Party of the U.S.A. leads the working class in the fight for the revolutionary overthrow of Capitalism, for the establishment of the dictatorship of the Proletariat, for the establishment of a Socialist Soviet Republic in the United States, for the complete abolition of classes, for the establishment of Socialism, the first stage of the classless Communist Society."

This certainly is evidence that the Communist Party of the United States is organized for one purpose and one purpose only -- and that is the overthrow of our government. This same manual published the pledge and conditions for membership read by Earl Browder, old-time Communist, to 2,000 members who were initiated into the Party in the New York District in 1935. This pledge is quoted below as proof that a Communist in the U.S.A. is loyal only to the Soviet Union and I quote: " I now take my place in the ranks of

the Communist Party, the Party of the working class. I take this solemn oath to give the best that is in me to the service of my class. I pledge myself to spare no effort in uniting the workers in militant struggle against fascism and war. I pledge myself to work unsparingly in the unions, in the shops, among the unemployed, to lead the struggles for the daily needs of the masses. I solemnly pledge to take my place in the forefront of the struggle for Negro rights, against Jim-Crowism and lynching, against the Chauvinist lies of the ruling class. I pledge myself to rally the masses to defend the Soviet Union, the land of victorious socialism. I pledge myself to remain at all times a vigilant and firm defender of the Leninist line of the Party, the only line that insures the triumph of Soviet power in the United States."

The Committee's attention is invited to the book entitled "Why Communism", page 95, which states: "The Communist Party of the U.S.A. is thus part of a world wide organization." This book was published in 1934. Another book by William Z. Foster entitled "Your Questions Answered" points out the fact that only one political party is allowed under Communism. It is clearly pointed out that the Communists have no political freedom and to seek recognition and placement on our ballot is for but one reason and that is to destroy political freedom. Their own record and recorded words speak for themselves.

It is inconceivable to me that the American people have let the Communists continue this conspiracy in our country all these years without noting such declarations as those contained in the book,"Milestones in the History of the Communist Party," by Alex Bittlemen, published in 1939. The author again ties the Communist Party of the U.S.A. to international Communism. Bittelman quotes

Premier Stalin on page 73 to prove his point:

"There are no such Communists in the world who would agree to work 'under order' from outside against their own convictions and will and contrary to the requirements of the situation. Even if there were such Communists they would not be worth a cent. Communists bravely fight against a host of enemies. The value of a Communist, among other things, lies in that he is able to defend his convictions. Therefore, it is strange to speak of American Communists as not having their own convictions and capable only of working according to 'orders' from outside. The only part of the labor leaders' assertion that has any truth in it at all is that the American Communists are affiliated to an International Communist Organization and from time to time consult with the central body of this organization on one question or another."

The Communists are bold, and one thing you must admire about these traitors is that they are not lacking in their loyalty to the Soviet Union. William Z. Foster said in his acceptance speech when nominated to run for the office of President of the United States, and I quote in part:

"No Communist, no matter how many votes he should secure in a national election, could, even if he would, become President of the present government. When a Communist heads the government of the United States -- and that day will come just as surely as the sun rises - that government will not be a capitalistic government but a Soviet government, and behind this government will stand the Red Army ready to enforce the dictatorship of the Proletariat." I am sure that the signers of the Constitution of the United States turned over in their graves when the American people lacked the

courage to deal with this Communist. I have only quoted a part of his speech, which is contained in "The Communist Situation in California", published by the Peace Officers Association in 1937.

Again in 1944 the objective of the Communist Party was accurately specified by Robert Minor, one of the founders of the Communist Party in the United States, Executive member of the Communist Internationale and Resident American Communist Representative at Moscow. Comrade Minor, speaker at a National Convention of the Amalgamated Clothing Workers, declared and I quote:

"We want the labor movement to obtain physical control and ideological domination of this country. By physical control we mean the governing power -- the power to make decisions and enforce them -- the power to direct an Army and a Navy -- the power to control industry -- the power to say who shall be in jail and who shall be out -- in other words, political power. And there is no political power except complete political power. But what of our principles? What of our form of rule, he says, what of the Soviet system of dictatorship of the working class? Never mind - we have not deserted any of our principles nor any of our organization forms."

In closing, gentlemen, Communism has been defined as an organized effort to overthrow organized governments which operate contrary to the Communist plan now in effect in Russia. When the Communist International commands "Riot", "Subvert", "Destroy", "Lie", the Communist Party of the United States will do just that. Communism is a world-wide revolution and to equate it with a political party is an idle dream. The Communist Party U.S.A. should be outlawed, but as a first step they should not be permitted on the ballot of this great State. To open the door by placing the Communists

on the ballot in the primary is like signing a blank check and handing it to a stranger. Gentlemen, with all the sincerity in my heart I beg of you to put the brakes on further expansion of this Communist Conspiracy. Thank you very much.

CHAIRMAN CROWN: Thank you, Commander Terry.

ASSEMBLYMAN FRANCIS: The next witness will be Mr. Karl Prussion who served in the Communist Party for a period of 26 years; twelve of which he served as an undercover agent for the F. B. I.

MR. PRUSSION: Members of the Assembly, ladies and gentlemen, I deem it a privilege to have the opportunity to talk to you on the subject of abolishing the Communist Party from the ballot in the State of California. I have been a member of the Communist Party for 26 years; the last twelve years of which I had served as a counterspy for the Federal Bureau of Investigation. I left the services of my country on August 12, 1959, so that I could testify before the House Committee on Un-American Activities. I did this because I honestly felt that the manner in which we are fighting Communism in America has been a complete and utter failure.

I believed, and still do, that the Communist Party in the State of California and the Communist Party in the United States has more influence economically, socially, and politically than ever in its history. I would like to quote to you a statement made by one James S. Allen, a member of the National Executive Committee of the Communist Party, on May 7, 1958; and I quote: "In seeking to chart our road to socialism we are in a much better position today than the Marxists in the period before the great Russian Revolution which pioneered the road; or than we were before World War II, before a number of countries took the road." Communists are real-

ists; and this statement by Mr. Allen is indeed an alarming statement. I want to this afternoon - rather than going into generalities - to deal with specifics with examples as to how the Communist Conspiracy operates and listing you many reasons as to why it should not be a political party in the State of California.

First I would like to state that everything that I say today is based on facts - facts that I have personally experienced while a member of the Communist Party. These facts have developed certain truths that are self evident. Truths that no Communist can deny if he were to acknowledge the truth.

I joined the Communist Party when I was a student at Wayne University in the City of Detroit after I had for six months been a member of a communist front organization, not known to me at the time, known as the National Student League. The Communist Party asked me to join through two professors and one member of the student council of Wayne University in the City of Detroit, and in so doing they presented to me the Sermon on the Mount. The Communist Party had the solution to all of my problems and the problems of all mankind. In there arguments as to my joining the Communist Party they told me that, after all, in the final analysis, the Communist Party is a bonified American political party. This is one of the reasons - one of the reasons why I joined the Communist Party. They depicted the Communist Party as a party of Lincoln, Jefferson, George Washington, and they depicted it as the party that represents the American heritage. Very soon after that during a period of three years and at the end of three years after I had extended my hands to something that sounded very good, humanitarian, I found my hands very sticky and sometimes very bloody.

I attended a Communist training school, a national training school, in Farmington, Michigan; and at this national training school I was taught, in addition to infiltration tactics into trade unions, churches and political parties, I was taught a course in provocation to violence, seizure of police stations, the seizure of communication stations. This course that I took at this national training school was led by one Gertrude Hessler who was sent here from the Soviet Union and the text that was used was written by Gertrude Hessler. And when they talked seizure of police stations, for example, they didn't simply say that police stations would have to be seized, they stated how and what preparations in the community had to be made before the police stations were seized. This is one example and one reason why the Communist Party, in my opinion, is not a political party. It never has been, it isn't and never can be a political party. It is a party that believes in force and violence for the overthrow of our government.

Now before I go any further I would like to, if you don't mind, give you a brief description of the thinking, of the aspirations, of the anatomy of a Communist. I think this is important because it is very pertinent to the fact that we must take the Communist Party off the ballot in this State. When a Communist becomes involved in peaceful activities, in violent activities, when a Communist attends their schools and their lectures he soon becomes so thoroughly imbued with the principles of Lenin that he finds himself in a - what I describe - a straight-jacket of Communist discipline. He becomes totally dependent upon the Communist Party economically, socially, and politically and very soon this Communist develops the idea of self-discipline and self-criticism. This self-criticism and this self-discipline is so great that very soon this Communist is totally

enmeshed in a conspiracy to overthrow our government by force and violence. It is a fact, ladies and gentlemen, true and terrible but yet a fact that a Communist will act now for, and then against anything or any issue against any person that the Kremlin orders at any time. A Communist will turn a somersault and spin on his nose every time a directive from the Kremlin is issued. In all my 26 years within the Communist conspiracy never once did the Communist Party of the United States deviate or refuse to carry out the directive from the Soviet Union. This, ladies and gentlemen, is a Communist. This Communist being Nikita Khrushchev, Mikoyan, Frol Kozlov, Archie Brown, in the United States, or many of the Communists that we have on our shores.

Another important factor about a Communist is that a Communist is a Leninist. Lenin is their teacher; all Communists are disciples of Lenin. They go strictly by the teachings of Lenin. A Communist need not attend a cell meeting, he need not go to a section meeting or to a district meeting or wait for orders from that national office or from the Kremlin. He will apply Leninism at all times, be that Communist a political office holder, be that Communist one who seeks a political office, be that Communist a teacher, a defense worker, or of any occupation. He owes total allegiance to Leninism and to whatever the Soviet Union dictates.

Very briefly, I will try to tell what Leninism is: First (and these teachings of Leninism are fundamental and elementary to every Communist) he teaches a Communist, and I quote: "that no parliament under any circumstance can be an arena of struggle for the bettering of the conditions of the working people. The only question can be that of using parliament ultimately for its own destruction." This in itself proves sufficiently in my mind the fact that

the Communist Party is not a political party but a conspiracy. I would like at this time also to quote to you from Lenin's Collected Works of Lenin, Volume II, pages 21 and 22. This is a very significant quote, because it is very characteristic of the activities of the Communist Party in the United States today; and I quote: "Take advantage of the clumsiness of the enemy and attack him at the time when he least expects attack. Readiness for action must be constant; thus today we are faced with the task of organizing and supporting students to demonstrate. Tomorrow perhaps we may be supporting and leading a movement of the unemployed. The day after tomorrow we may have to take a part in a farmer's demonstration. But today we must take advantage of a strained political situation. Tomorrow in order to capitalize over public indignation over some abuse, a boycott, a demonstration, a strike might have to be organized. Only revolutionaries thus trained in action could at a strategic moment issue the call for the decisive battle." This is precisely the strategy and the tactics that the Communists are carrying out in the United States today.

Still another characteristic of a Communist is his total disregard for the laws of our land. A Communist will utilize our laws only to the extent that these laws can help further him in his actions to accelerate the day when the prerequisites of the revolution will be met. Other than this, he has utter contempt for law.

I would like to give you a few experiences to show you not only how they have contempt for law but how they utilize the law in the interests of the Communist conspiracy. In the Santa Clara County, in which I was very active, there are three Communists who ran for public office on both political party tickets, cross-filing, etc.

These three people were identified many times as members of the Communist conspiracy. Now before they filed to run for office, all three of them, I attended a meeting at which the question of filing for office was taking place. At this meeting was a very prominent local attorney, and they decided that it would not be difficult to file for office because the laws of the State of California make it mandatory that a Communist or anybody who files for office simply swear that they do not believe in overthrowing the government by force and violence; and since the Supreme Court has decided that this would have to be proven then it would be perfectly safe for a Communist to so file. These three Communists, and I believe there are at least a dozen more who did the same in the State of California, did file to run for office and in this way circumvented the law. All three of these that I know are at the present time subject to prosecution by the State of California, and action against one of them is being taken at the present time.

Another example of how the Communists operate in order to utilize our laws is a situation where the Communist Party sent 30 members of the Party into an automobile plant. This they did very easily through various devious methods that they employ. I attended a meeting in the City of Detroit where a man by the name of Natt Ganley, who was at that time Chairman of the Trade Union Commission of the Communist Party, decided that a strike be called in this plant just for the purpose of finding out whether thirty Communists in the plant that employs approximately 3,000 could call a strike. There was no other objective, no other purpose in this strike. This strike was called, picket lines were set up, and the strike continued for about five days. On the fifth day, another meeting was called headed by this

Communist Natt Ganley; and it was decided that this strike was going to be a failure. And in view of the fact that it was going to be a failure they decided, and I can almost quote, that there must be blood on the picket line tomorrow and the purpose of this violence on the picket line that the Communists would provoke would be to arouse the indignation of the population against the Police Department of the City of Detroit. You see Communists always are interested in provoking a violence if they can to arouse the indignation of the citizenry against the police department. They charge police terror, police brutality, and so forth. Blood did flow on the picket lines that morning and the police department had to, of course, step in and break up the fights, blackjacks had to be used and both Communists and non-Communists were taken into the paddy wagon and to jail. The Communists were successful in this particular instance to utilize this provoked violence to arouse the indignation of the City of Detroit against the Police Department. This is an extremely important thing because the Communists are consistently carrying on a campaign of vilification of all law enforcing agencies.

Another example of provocation to violence was experienced in San Francisco during the riots while the Committee was having its hearings there. If you recall that up and to the point that the hearings of the testimony of the witnesses was to begin there was no violence. It only began after the first witness was called to testify before the House Committee on Un-American Activities; and it was at this point that Archie Brown and Mr. Izard and a few others asked the House Committee on Un-American Activities to leave. They hurled insults at the Committee and were so noisy and

so unruly that they forced the police department to step in to preserve order. Almost simultaneously an action was provoked outside of the Committee hearing rooms and we did have a violence, and the Communist Party there, too, was able to arouse, to an extent, the indignation of the people of the City of San Francisco and throughout the State of California against the police department that was carrying out their duty as officers. I can cite many examples how Communists have utter contempt and disregard for law, and in view of the fact that they have no regard for law the Communists should not be able to utilize the laws of our land ultimately for the purpose of destroying the laws of our land.

I would like to state, also, that while I was in the Communist conspiracy I personally experienced and witnessed, or participated in, such things as: forced confessions, the activities of the secret police of the Communist Party, provocation and promotion of suicides of Communists who have deviated, right here on our shores the so-called class legal apparatus of the Communist Party totally ignoring the laws of our land in their own gigantic operations in the United States. I could give you many examples of how this operates and how this goes on, but time does not permit me.

I would like to say also that a Communist at all times is interested in one thing and in one thing only. His thoughts are always as follows: What can I, right now, a Communist, what can I do to help accelerate the day when the prerequisites of the revolution will be met and at that time we will take every measure to overthrow the government by force and violence. This is the thinking of every Communist; and this is one reason why it is important not to give the Communists an opportunity to utilize our legal apparatus

ultimately for destruction of our legal apparatus.

Now, in conclusion, I would like to state that Lenin once stated, and I quote: "...that a Communist must employ every scheme, every stratagem, lie if necessary, get into the trade union movement, get into the churches, get into political parties, stay there and do your revolutionary work therein." And I continue to quote, when he said, "A Communist must be able to crawl on his belly through the mud in the interest of the Communist conspiracy." It is my opinion that this law that we are trying to enact to take the Communist Party off the ballot in the State of California is extremely vital, and I think we should indeed make the Communists crawl on their bellies through the mud and let's bury them there. I think you would be rendering a great service to the State of California and to the United States if you act favorably on this resolution presented by Lou Francis. Thank you.

CHAIRMAN CROWN: Mr. Burton.

ASSEMBLYMAN BURTON: Excuse me, Mr. Prussion, you didn't state or I didn't hear you state that you were personally aware of sabotage and treasonous activities while you were in the Communist Party. Did you make such statements?

MR. PRUSSION: I stated that I was trained in the acts of sabotage, provocation to violence, seizure of police stations, etc. Obviously, the time for such activity has not arrived, but I believe that it's not too far off when it will have arrived when these actions will be taken by Communists throughout the United States.

ASSEMBLYMAN BURTON: Well, I would like to ask you this question. Of course you're not under oath and if you choose not to answer it I will respect your right in that regard. Did you have

personal knowledge of acts of sabotage committed by the Communist Party while you were a member during either the fourteen year period or the twelve year period following that?

MR. PRUSSION: Yes, I will answer your question. I have not been aware of the acts. I've not participated in the acts of sabotage. I do know that there are organizational structures within the Communist Party that direct such activity. I did participate in provocation to violence in which people were killed, violence that was provoked by the Communist Party for the purpose of possibly having an insurrection during that period.

ASSEMBLYMAN BURTON: Did you during the twelve year period report violations of substantive law or substantial violations of law to the appropriate authorities?

MR. PRUSSION: Yes, I did.

ASSEMBLYMAN BURTON: Just as a matter of gaining some insight, what was your reaction to the Soviet-Nazi Pact in 1940 when you were still an active member of the Communist Party?

MR. PRUSSION: Fortunately when that Pact was made I had morally and mentally and physically made every effort to detach myself from the Communist conspiracy, but for many reasons I stayed in. My reaction, of course, was one of complete disgust against the Communist Party, and there were evidences of this disgust within the Communist Party; however, very rapidly through the issuance of directives and carrying out of party directives that particular distaste that Communists had was quickly destroyed and removed by the Communist Party apparatus.

ASSEMBLYMAN BURTON: Well that was seven years prior to changing of your active status. Do you recall what if any reaction you

had to the Duclos letter in the mid-forties which predated your change of status by a couple of years.

MR. PRUSSION: Well, I'd like to explain that my severance with the Communist Party mentally and physically and in every way morally and so forth took place about four years after I had joined the Communist Party. Four years after I had joined I had made every effort to contact such organizations as the F.B.I., state police organizations, and military intelligence and other organizations in an effort to get out of the Communist Party, and I was not well received. I continued to stay in the Communist Party until 1947 when I was finally accepted by the Federal Bureau of Investigation. My reaction, of course, was long decided about the Communist Party before I started to work for the F. B. I. However, within the Communist Party on the Duclos letter that was simply a directive issued by the Communist Internationale through Duclos against Earl Browder who took a contrary position to the Communist Internationale. The reaction of the Communist Party members at first was a skeptical one, but due to the rigid discipline and the devotion that the Communist has to the Communist Internationale, the great bulk, the hard core members of the Communist Party remained intact and followed the Duclos letter with the exception of Earl Browder and a few others who were kicked out of the Communist Party.

CHAIRMAN CROWN: Thank you very much Mr. Prussion. Mr. Unruh. How many more witnesses, Mr. Francis?

FRANCIS: I have three more witnesses.

ASSEMBLYMAN UNRUH: Mr. Prussion, in getting back to the discussion on the bill, can you tell me how you think this bill would safeguard any rights that we may lose if we don't inact such legislation?

MR. PRUSSION: Oh, I think I can. I can give you a slight example of how we have a law right now that, if it were enforced, could be very helpful in fighting the Communist conspiracy. We have, for example, a law in the election laws of the State of California which makes it mandatory for all people running for public office to swear that they do not believe in overthrowing the government by force and violence. I know of three Communists who ran for public office who made that oath when they ran for office in 1958, 1956, and 1954. Now these Communists have violated the laws of the State of California and can be prosecuted. From time to time there are counterspies and informants and Communists who drop out of the Communist Party who come forth to testify against violations of the laws of the State of California. This is one method in which Communists can be apprehended and prosecuted. And I also do believe -

ASSEMBLYMAN UNRUH: What does that have to do with the bill?

MR. PRUSSION: Wait a minute - you asked me a question; I'm answering it. Now another thing that I would like to say, that in the prosecution of Communists or when a Communist might want to sue somebody else; the courts have ruled that a Communist can ask for F.B.I. records as they pertain to this particular case. For example, in the cases that are coming up now against these Communists who have violated the laws of the State of California; if those files are requested they can be made available. So there is a way of getting to the F. B. I. files, fortunately, and I hope that in the forthcoming cases that will be coming up that the F. B. I. records will be used. And then again there's also possible -

ASSEMBLYMAN UNRUH: - the other members of the Committee whether they understand the answer? I don't.

CHAIRMAN CROWN: Well, any other member of the Committee is free to ask any other question he wants. Anyone want to say anything on the Committee?

MR. PRUSSION: I might say this, too, that if this law is passed in the State of California there could possibly be further legislation which would make Federal Bureau of Investigation files available in the prosecution - apprehension and prosecution of those who have violated the laws of the State of California. This isn't far fetched. There is a strong possibility that some day the F. B. I. records, due to a critical situation, could be used for the apprehension of Communists.

ASSEMBLYMAN UNRUH: Do you recommend going so far as to require that every candidate for public office be subjected to the scrutiny of the F.B.I. before he was eligible to file for office?

MR. PRUSSION: No, I wouldn't go that far; I certainly would go as far as to say that candidates who are filing to run for office who have been identified by the House Committee on Un-American Activities, by counterspies, certainly should be investigated. For example, every person that's subpoenaed before the House Committee on Un-American Activities, in the last hearing, has been a member of the Communist Party for at least ten years, most of them twenty-five years. All of them active in infiltration tactics in our trade unions, in our political parties, in our churches, and in our school system. So, certainly, with the volume of evidence that a committee such as the House Committee on Un-American Activities has against Communists; that evidence can be used for the purpose of investigating people who file to run for public office.

ASSEMBLYMAN UNRUH: Do you recommend that in accordance with

the provisions of this bill a self-confessed Communist be barred from seeking public office?

MR. PRUSSION: If the self-confessed Communist confesses that he was a Communist and will not do anything to combat Communism, in my opinion he still is an instrumentality to the Communist Party and should be barred. But if a Communist comes out and confesses that he was a Communist but comes out in an open campaign to fight against the Communist conspiracy he's invaluable and he should not be barred from running for public office.

ASSEMBLYMAN UNRUH: In other words, your final test you would apply to him as to whether he was willing to state he was an active anti-communist?

MR. PRUSSION: To what degree he was actively participating in the conspiracy in which he was in for so many years, yes.

ASSEMBLYMAN UNRUH: Now, who would make that decision? Would you leave it to the man's word himself?

MR. PRUSSION: Well, this becomes public knowledge. The activity of an ex-Communist against Communism becomes very well known throughout the community and throughout the State. I would like to say, for example, and this is no reflection -

ASSEMBLYMAN UNRUH: We don't pass laws on the basis of what becomes common knowledge, do we? We don't. It is common knowledge that adultery is committed every day of the week.

MR. PRUSSION: What becomes common knowledge is certainly instrumental in passing laws.

ASSEMBLYMAN UNRUH: I agree. But that isn't the question I'm putting to you at this point. The question that I would like you to answer is who would enforce this, and how would you enforce it?

Who would determine whether an ex-Communist was an anti-Communist?

MR. PRUSSION: All right, I'll answer that question. We have an Attorney General, Mr. Mosk, at the present time, who has the duty and responsibility to prosecute and apprehend people who have violated the laws of the State of California; and if such evidence is presented that indicates that people - Communists - have violated the laws he should prosecute.

ASSEMBLYMAN UNRUH: In other words, you're saying that this should be a self-enforcing law and that no agency should be charged with this.

MR. PRUSSION: And I recently found out another way that the laws can be enforced. For example, if a citizen will file a complaint against the Communist in violation of certain laws of the State with the District Attorney's Office, the District Attorney must, after an investigation of the facts, apprehend and prosecute that Communist.

CHAIRMAN CROWN: Thank you, Mr. Prussion, very much for taking your time to come here today.

ASSEMBLYMAN FRANCIS: With the Chair's permission I would like to ask if Dr. John Drakeford is in the audience.

CHAIRMAN CROWN: Doctor, are you present? He does not respond.

ASSEMBLYMAN FRANCIS: My next witness is Col. C. L. Bartlett, U. S. Army (Retired), representing the Military Order of World Wars.

CHAIRMAN CROWN: Three more or two more? How many more witnesses? Mr. Francis, how many more?

ASSEMBLYMAN FRANCIS: Well, there are at least two more assuming that -

CHAIRMAN CROWN: Two after this gentleman or -

ASSEMBLYMAN FRANCIS: That's right.

CHAIRMAN CROWN: Yes, well that means fifteen minutes a witness.

ASSEMBLYMAN FRANCIS: There's a possibility that Dr. John Drakeford who is from Fort Worth, Texas, will not arrive, and in that event well -

CHAIRMAN CROWN: You will just have one other. That's fine, thank you.

COL. BARTLETT: I won't take much time.

CHAIRMAN CROWN: Would you identify yourself for the record, please.

COL. BARTLETT: I'm C. L. Bartlett, and today I want to represent the Military Order of World Wars and, incidentally, myself. This first statement emanates from the State staff of the Military Order of World Wars. First sentence, naturally, is a sentence of committment: "As Chairman of the Department of the Americanism Committees, you do represent the Department and are free to transmit the following statement. We believe, without equivocation, that: 'no party, including but not limited to the Communist Party, should be recognized or qualified to participate in any primary election which either directly or indirectly carries on, advocates, teaches, justifies, aids or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches, justifies, aids or abets a program of sabotage, force and violence, sedition or treason against, the Government of the United States or of this State.'

This, as represented by Bill 1263 introduced by Assemblyman Louis Francis - this is unanimously endorsed by the California Department of the Military Order of World Wars. This is made up of the members who have served as commissioned officers of the armed forces during World War I, II and the Korean Conflict. This organization

is also National in scope. This organization is primarily engaged in fighting Communism in any of its manifestations and in any arena of infiltration. This is not only true of the Order as individuals but encompasses the entire strength of the Order. This is an inherent factor in our organization as recognized in our pledge and preamble: "...ever to establish law and order and to defend the honor integrity and supremacy of our government and the Constitution of the United States." That is the - from the Military Order.

Now if I may, just a brief statement. Nearly fifty years ago I assumed the responsibility of taking care of people that are ill - mentally and physically. On that basis during the past thirty years I have looked at this problem, naturally, from that standpoint. And as such, I will draw my remarks. I have come to the conclusion, definitely, that such an organization as the Communist movement has no place in any social structure that pretends to be civilized.

It's a peculiar thing, people in Los Angeles County make more fuss over smog than they do Communism. This bill represents an attack on Communism which has long been needed. There is no need at this time to enumerate or itemize the long history of the Communist Party. This is available to anyone who will read. One who does read and investigate will find that such a history represents an unbroken, continued spider web of falsehood, subversion and murder. These things have to deal with the very core of any structure of mankind. Again, in the political area we have an unbroken series of agreements, promises and treaties that have been uniformly broken; the Communist is even an unsafe individual in daily business. This is because they are entirely amoral. I want to emphasize that word. From psychological standpoint the confirmed Communist is an amoral

individual, and as such has to be treated as such. In fact the entire philosophy is based on this fact.

Communism, as we know it today, is the result of the unholy union of Anarchist and Marxist philosophy. None of the three should have any acceptable place in the social structure of man. They are all based on false premises which eliminate all ethical philosophy and morality, and are completely biologically untrue. The persistent Communist is a socialist with inherent criminal intent. Communism has done more harm to the individual and to society than all other forms of criminality combined. As criminals, I believe that Communists should be treated in exactly the same way as any other criminals. The reason that they have the strength today in this country is because we have throughout various strata of government been soft on Communism. In fact, we have in many repeated instances aided and abetted them economically and socially. And, incidentally, we're doing it today. For too long a time it has been fashionable to make out of yourself a fellow traveler or a mental robot. I believe that J. Edgar Hoover, unless he has changed his mind comparatively recently, felt that it was easier to control this element if they were not definitely driven underground. As a matter of fact, the majority of the really active figures are more or less in that position now. Although since some of the recent Supreme Court decisions they are beginning to emerge.

I have for years maintained that they should be dug out, dispersed, through an open massive front drive. There is no more reason why we should accept them as a corporate part of our social structure than there is for us to similarly accept murder incorporated. There will be the cry "witch-hunting", naturally. These people have had

the opportunity of hiding behind such emotionally conceived slogans for the simple reason that we have not had the intestinal fortitude, as a people, to legally name them what they are; establish legal remedies for the activities; and put them into force.

Although it is an accepted fact that Communism is a criminal conspiracy active throughout the world, the United States today probably represents its area of greatest activity and support. I, therefore, believe that among first things is to immediately and adequately clean up the home front. I might suggest a few methods of remedial attack. I do not know whether -

VICE-CHAIRMAN GRANT (Presiding in the absence of Chairman Crown): Thank you Col. Bartlett. Have you finished? Proceed, if you haven't finsihed.

COL. BARTLETT: One, outlawing Communism in every sense in every state. Two, stopping aid in any form to Communists or Communist controlled countries. Three, no trade or interchange with Communists or Communist controlled countries. Four, severing diplomatic relations with Russia and other Communist countries. Five, rewrite and revise the Charter of the United Nations and its principal subsidiaries such as UNESCO, WHO, and ILO. If this is impossible we should get out of the United Nations and the United Nations out of the United States. Six, the investigation by the House Committee on any department of our national government which gave evidence of any Communist infiltration. Now, I've come to those conclusions simply because after thirty years activity in this work I think that they're the only remedy.

VICE-CHAIRMAN GRANT: Does that conclude your testimony? Well, thank you, Col. Bartlett.

ASSEMBLYMAN REAGAN: Well, without taking the Committee's time

and while the next witness is on his way, I do want to point out that Dr. Bartlett is an authority. He spent many years in China with the Medical Corps of the United States Army. He has been, not only Chairman of the State Americanism Committee of the Military Order of the World Wars, he's past Commander of our Pasadena Chapter, and he's a distinguished doctor from Pasadena. You've probably heard of that community and Dr. Bartlett's one of its leading citizens, and I think he was just a little inadequately introduced.

VICE-CHAIRMAN GRANT: Thank you, Mr. Reagan. Thank you very much, Col. Bartlett; and Mr. Francis, you may call your next witness.

ASSEMBLYMAN FRANCIS: The next witness is Mr. Edward Cominski,Jr., who's the Junior Past-Commander of the California Department Military Order of the Purple Heart. Apparently he's stepped out. I'll call the next witness, Mr. Chairman, Captain P. A. Horton, Chairman of the National Americanism Commission and also a number of other organizations that I'll have him identify.

CAPT. HORTON: Gentlemen, I have not brought a prepared statement.

VICE-CHAIRMAN GRANT: Captain, will you identify yourself.

CAPT. HORTON: I am P. A. Horton, National Americanism Chairman of the National Sojourners, an organization of Commissioned officers - past and present - with Chapters throughout the world where there are any large military installations. I'm also the Americanism Chairman of the County Council of the American Legion. For the past three decades, I have been Chairman of Hollywood Post Americanism Committee. I am the official adviser of the Department of California Americanism Commission, and I am presently the president of the California Sons of the Revolution.

I didn't know of this hearing until late last night and did not bring a prepared statement. However, I want to assure you I have been connected with this matter of Communism in our country since shortly after the Centralia incident where six legionnaires were shot down in cold blood in a parade at Centralia, Washington, by the predecessor of the Communist Party of the United States at the I.W.W. During the process of the battle -

ASSEMBLYMAN UNRUH: Would the witness like to tell us what was then perpetrated after they were shot down?

CAPT. HORTON: In what way? They were arrested. Those that could be found, most of them were on the tops of buildings and they shop the Legionnaires down as the Legionnaires were parading.

ASSEMBLYMAN UNRUH: Will you tell us what happened to Wesley Everett.

CAPT. HORTON: To whom?

ASSEMBLYMAN UNRUH: Wesley Everett.

CAPT. HORTON: No, I didn't come prepared to tell you that. Were you familiar with him, may I ask?

ASSEMBLYMAN UNRUH: I happen to know of the Centralia outrage. I don't know whether you would call it a massacre or an outrage, but I do know the entire story of which you, apparently, only know part.

CAPT. HORTON: That's right. I think few people today - you're one of the very few who are familiar with the incident. However, that incident took place when the American Legion was holding that convention at Milwaukee. Because of that incident when the news was flashed to the Legionnaires present at the convention, they were so aroused that they organized and have pursued an Americanism program that contemplates an exposé, if no more, of this Communist menace.

Now during the process of my activities in the Legion I have found many incidents where the Communists have taken over to a dangerous point particularly in (L. A.) City College in this very city where they had organized a Young Communist League. And during the process of investigation I found they had signed up 1897 members out of an enrollment of 6500 students. Now as you perhaps are familiar with students in school, many of them did it in the spirit of a lark, many were serious. But to prove how serious it was with some of the leaders, after three years effort on our part it was possible to have the ring leaders expelled. Among those four ring leaders was one who later turned up as a leader in the San Francisco riots recently. So the leopard doesn't change his spots, and I believe, and we have always believed, the theory of Marxism and Leninism is the cornerstone of Communist ideology.

In 1956 the report of the Senate Internal Securities Sub-committee briefly disclosed that Marxism - Leninism dogma is based upon the following false conceptions: (1) that all phases of American life, industry, education, religion, politics, the press, radio, and films, even family life, are dominated primarily by a class struggle between the capitalists and the workers; (2) that our system of free capitalist enterprise has actually outlived its usefulness and must be destroyed; (3) that the system of Communism is superior to and must take the place of our system of free enterprise thus abolishing the class struggle for all time; (4) that American democracy is not government of, by and for the American people but a capitalist dictatorship which must be destroyed and that this change to Communism and classless society can be brought about only by the violent overthrow of capitalism. I think all those factors have

been fully established today and it's not necessary to repeat them.

During the process of (L.A.) City College when these boys and girls were being enlisted in the Young Communist League, there was no law to protect us against the activities of Communism, either by the teacher or by the student body. And as a result of their activities, at a convention of the American Legion it is my duty as Chairman of the Americanism Convention to introduce - to write and introduce - with the assistance of Buren Fitz, a former attorney general in this county, we wrote this resolution. This was in 1940 at the San Diego Convention: "Barring Communist Party from the ballot, Resolution No. 69; whereas the American Legion has been active in its opposition to Communism and to the infiltration of Communism into our communities, State, and Nation. And whereas we believe that the Communist Party in California and in other states of this nation does not represent a party but a form of government whose avowed purpose is the overthrow of our government by force and violence and whose party objectives are contrary to and opposed to the fundamental principles and laws of the Republic. Now, therefore, be it resolved that we the delegates of the 22nd Annual Convention of the American Legion Department of California in regular session assembled do hereby petition the Congress of the United States of America and the Legislature of the State of California to enact such law or laws as may be necessary to outlaw the Communist Party as a political party in this State and Nation; and to prohibit it from appearing upon any ballot in this State or in the United States of America. And be it further resolved that a copy of this resolution be forwarded forthwith to the senators and members of the Assembly of the State of California and to the United States Senators and Representatives

from California and be forwarded to the National Department of the American Legion (and by the way the State Assembly was in session at that time). Be it further resolved that as an emergency measure this convention does instruct the department judge advocate to immediately commence legal action in the name of the American Legion Department of California to enjoin the Secretary of State of the State of California from placing upon any election ballot of this State the name of the Communist Party or the name of any candidate for public office running on the Communist ticket; (And here is something that never happened before or since) and be it further resolved that in the event the above recommendations are not or have not become effective within a reasonable time then the department officers and the department executive committee are hereby instructed and ordered to prepare and set in motion the proper and necessary machinery to institute proceedings to secure the necessary names on initiative petition to outlaw the Communist Party and to prohibit the names of any candidates on the Communist ticket appearing on the ballot in any election in the State of California" Moved by P. A. Horton and seconded by Jack Raymond, this Resolution was passed unanimously.

Now, as a result of that and the activities later, the Assembly was in session and they did pass a bill outlawing the Communist Party. I think you're all familiar with the fact that some two years later because we had not clearly signified or proven that the Communist Party is, as has been proven many times since, a criminal conspiracy, the Supreme Court of the State of California declared the bill unconstitutional. And so it would be if we were to outlaw a legitimate political party, however, since then we have the Smith Act, we have many rulings that have defined the Communist Party for what it truly

is - a Communist conspiracy - which has been able to infiltrate into many of our schools, and I've seen how they've worked in schools for the past 35 years, but also have seen how they worked in the government.

We have lost so many things on account of the Communists since World War II. We have talked and clamored for peace for fifteen years and during those fifteen years there has been only one route for war - one, that's Communist Russia. We have failed, as we have often said in the American Legion, to discontinue our relations with Russia, and as a result in this last convention at Long Beach, it was necessary to pass this resolution:

"Whereas, at the end of World War II our Nation was the most powerful, the most respected, and the richest of all nations of the World.

"And, whereas; since the date of its birth the people of our country have been generous to a fault. We have ever been quick to come to the rescue of the needy and have a glorious record of assistance to the oppressed and the enslaved of the people wherever dispersed throughout the world, and these humanitarian ideals, however meritorious, have made us vulnerable for the trickery and deceit of international diplomacy.

"And, whereas, the State Department of the United States has for years been infiltrated by men who have been sympathetic to Soviet Russia and the cause of Communism and have advanced to high positions in that Department where they have molded and promoted schemes for our destruction under the fradulent claims that they promote peace and are instituted for our general welfare. Among these and the Master-plan is the United Nations with its more than sixty satellite organizations that have by-passed our Constitution and

now guide or interfere with every human endeavor of our people in our own country.

"Whereas one of the master-planners of this whole scheme and the first chairman was the notorious Alger Hiss of our State Department, whose associates, assistants and sympathizers are still in the State Department, whose number of employees have multiplied by the tens of thousands scattered over the face of the earth.

"And whereas since the birth of the United Nations, the biggest swindle in all history, our prestige has been dissipated, our wealth has been squandered, our foreign trade has been destroyed, and in each and every case the benefit has accrued to Russia. No nation in history has fallen in such a brief time, without a war, from the prestige we enjoyed to our present condition, and this decline will continue unless drastic changes are made in our State Department.

"Therefore, be it resolved, that 150,000 veterans of the American Legions Convention assembled whose memory is still fresh of the sacrifice of their comrades who gave their full measure of devotion in their fight against oppression, tyranny and trickery, that we will not see the fruits of their victory passed on to their enemy by the trickery of this so-called 'Cold War'.

"Be it further resolved that we demand of our Congress a full scale investigation of our State Department, and all the facets of their surrender of our sovereignty to the United Nations and its Soviet friends in the State Department."

Now, gentlemen, I believe you are sincerely alarmed as I am. I'm perhaps the oldest man to speak before you today. My love and devotion for this country has grown with my years; and I believe that there's no people I envy more than you today. I envy you the

privilege of being able to do something to stop this menace to our country. I not only hope that you will strengthen the election laws, and see to it that these traitors are properly classified, that this criminal conspiracy is properly classified, and these offenders are properly punished just as Benedict Arnold was. Thank you very much for your attention.

VICE-CHAIRMAN GRANT: Thank you, Mr. Horton. Now, Mr. Francis, we have - just a moment, sir. Oh, no questions. Mr. Francis, we have approximately 20 more minutes left.

ASSEMBLYMAN FRANCIS: I'll conclude by that time, Mr. Chairman.

ASSEMBLYMAN PETRIS: I had a question to ask Mr. Francis, if I may. Do you have any more witnesses?

ASSEMBLYMAN FRANCIS: Yes, I have one more witness unless Dr. John Drakeford has arrived.

ASSEMBLYMAN PETRIS: I wanted to ask a few questions of Mr. Prussion if time will permit. I refrained at the time that he spoke in the interest of finishing so that I wouldn't interrupt your schedule. If we have time I'd like to ask them.

ASSEMBLYMAN FRANCIS: All right, fine. Thank you, Mr. Petris. I would like to call Clara McDonald, Legislative Representative of the United Patriotic People of the U.S.A., Inc.

CLARA MC DONALD: Ladies and gentlemen of the Committee, it's a great privilege to appear before you on so important an issue. The most important issue in the State of California. Briefly, I am appearing here to show how the infiltration of Communism and the fellow travelers has influenced our legislation in the city, county, state and nation. I'm going to just briefly outline a few of them by name: the Urban Renewal which takes our homes from us just as

Russia did in the past. We ask the memoralizing of the opposition to the UNESCO for reasons definitely known. We have submitted our reasons to Congress and the Senate. We memorialize the opposition to denying our soldiers American literature and lectures. They are fighting for freedom; teach them what freedom can mean to all of us. Memorialize a move to stop appeasement with Russia or her satellites of coalition, coexistence, or negotiation by treaty. Past experiences show us such has proven to be a dismal failure. Memorialize opposition to the United Nations. Militarily led, it is stated by a Communist. Withdraw from the United Nations unless Communists are outlawed in the United States and in the United Nations Charter and unless the United Nations Charter is drastically revised to outlaw such procedure. Remember, as has been previously stated, and it bears quoting, Alger Hiss, the Communist, was the man that set up the United Nations Charter in the beginning.

I represent as your fine author has stated the United Patriotic People of U.S.A., Inc., organized in 1941 and there are two commitments that we make as members or contributors. We must believe in God, and we must believe in the Constitution and as a final reminder the Supreme Court determined that the United States is a Christian nation. Thank you sincerely.

CHAIRMAN CROWN: What - I'm interested - what case are you quoting there when you say the Supreme Court decided the United States was a Christian nation?

CLARA MC DONALD: I'm not quoting any case. It has long since been determined by the Supreme Court.

CHAIRMAN CROWN: Well, as a lawyer I must admit that I am not aware of this.

CLARA MC DONALD: Well, I wish sir, you'd look that up because that's so important.

ASSEMBLYMAN FRANCIS: Mr. Chairman and members of the Committee -

CHAIRMAN CROWN: Thank you very much Mrs. McDonald for taking your time to appear today.

ASSEMBLYMAN FRANCIS: I had requested at the outset of this hearing this morning that I defer submitting for the record this memorandum of points of the authorities in support of this bill. I realize that some of this has already been mentioned; but a great deal of work has gone into it and I'd like to have it submitted for the record. So begging your indulgence I'd like to read it. It will require about ten minutes and then we can have time for the questions that Mr. Petris wants to present to Mr. Prussion.

CHAIRMAN CROWN: It is now 17 minutes past four. We have until 4:30; we must adjourn at 4:30.

ASSEMBLYMAN FRANCIS: I understand that, Mr. Chairman.

CHAIRMAN CROWN: So any way you want to use your time is up to you.

ASSEMBLYMAN FRANCIS: Mr. Chairman and members of the Committee, since this bill involves such a major legal question, I feel that this information and particularly these citations of not only legislative determinations and enactments but particularly recent cases would be most helpful. The following points and authorities shall concern themselves with the two principle considerations dealing with the inclusion of specific reference to the Communist Party and the proposed legislation such as the lingering authority of Communist Party v. Peek; and the possibility of certain federal laws having pre-empted the field of anti-subversive legislation.

As will be seen, neither of the above considerations should have any present significance with respect to the constitutionality or the enforceability of Assembly Bill No. 1263.

In Communist Party v. Peek, whatever its soundness in a time when the Soviet Union was an American ally pressed into battle with the Axis powers, is now an anachronism. In the course of international affairs since 1942, the Peek's case rationale has gone the way of Justice Holmes' mandate that we stop and get out of our automobiles before crossing at a railroad intersection.

Specifically, the Peek case denied that validity of a statute which, like the proposed legislation in issue, would preclude by specific reference the participation of the Communist Party in primary elections. The California Supreme Court, speaking through Chief Justice Gibson, turned its decision on four points as follows:

The major point, as most of you know, was the refusal of the court to take judicial notice of the nature of the Communist Party, such as its refusal to recognize as a matter of common knowledge that the words "Communist Party" and "advocacy of violence, overthrow, and treason towards the Government of the United States or of this State" are synonomous and interchangeable.

Second, the prohibition against the use of the name "Communist" is unreasonable because the beliefs sought to be legislated against are present irrespective of the name used by the party espousing these beliefs.

Third, belief that, as a political party, the Communist Party fell under the protection of the California Constitution, as provided in Article 4, Section 25, sub-division 11, which provides that the Legislature shall not pass any local or special laws in

the field of conducting elections.

Fourth, objection to the wording in the former statute which provided a ban on any party "which is directly or indirectly affiliated, by any means whatsoever, with...any foreign agency, political party, organization or government."

Points two, three, and four will be dealt with summarily because, as will be seen later, only that point dealing with judicial notice was controlling in the case under discussion:

Irrespective of the fact that subversive groups can disguise, at least superficially, the nature of their philosophy in politics, there remains the fact that the Communist Party represents, by force of its name alone, the culmination and inspirational source of the greatest subversive organization in this or any other country. By refusing to ban the party from a place on the ballot, as the proposed legislation would do, we are confronted with a situation wherein the State of California would provide, through its election machinery, a rallying point for an organized conspiracy the name of which is universally recognized as running counter to American institutions. This the State can ill afford in light of the statements of J. Edgar Hoover quoted in the State Senate Fact Finding Committee on Un-American Activities' 1959 report as follows, and I quote: "The Communist Party, U.S.A. is concentrating tremendous effort in the State of California. Roughly 15% of all Communist members in the nation reside in California, ranking this State second only to New York in Party membership. The growing population, industry and strategic location of California have made this State Communism's prime target for years and that is why the Party is operating a highly efficient underground apparatus in California as well as

trying to increase aboveground operations."

To permit the Communist Party to appear on our primary ballot is to confer upon it a dignity and sanction of which it is unworthy. It is a grave error to correlate the ethics, purposes, and ideals of the Communist Party with those of our Republican and Democratic Parties. This, because to do so is to supply an argument that there is no law against being a Communist in the State of California or against his carrying out his program of undermining this Republic from within.

Conceding the importance of the right of suffrage, and that the right to foster candidates for public election is a necessary corollary of the franchise, it is urged here that, with considerable authority, the Communist Party is not a political party at all; it is a criminal conspiracy. Quoting from a recent California Supreme Court decision, "...it is to be noted that the old hoax that the Communist Party is but a political party has been effectively exposed..." Black v. Cutter Laboratories.

Continuing, the court said, "...the true implications of knowing membership in and support of the Communist Party are no longer open to doubt, and the long overworked party line theme that communism is but a political activity has been exposed as a false and fraudulent strategem designed particularly as a device for securing, in the free nations having government by law, legal support for the 'party' in carrying on to the end of its illegal objectives."

In support of its contentions above, the court quoted liberally from the various federal statements of policy appearing in official enactments. The Communist Control Act of 1954, states that: "Communist Party of the United States...is in fact an instrumentality of a conspiracy to overthrow the government of the United States."

The Act then distinguishes the Communist Party from our traditional views of a political party, pointing out that, first, the Communist Party policies are not submitted for approval to the electorate, but are prescribed by foreign leaders; second, members of the Communist Party in this country have no part in determining party goals; third, the Communist Party acknowledges no Constitutional or statutory limitations on its conduct or members; and fourth, the Communist Party is small numerically, thus giving scant indication of capacity to attain its ends unlawfully or lawfully. After making the above findings and declarations, the Congress concluded that, "therefore, the Communist Party should be outlawed." Earlier, in 1950, Congress was moved to make similar findings, stating then that, in reference to the Communist Party, "Although such organizations usually designate themselves as political parties, they are in fact constituent elements of the worldwide Communist movement..." and this is cited from the Internal Security Act of 1950.

In light of the foregoing, the dissenting opinion of Justice Spence in Danskin v. San Diego Unified School District lucidly states the argument that the Communist Party has no standing under Article 4, Section 25, Subdivision 11, or any other portion, of our State Constitution. In discussing the constitutionality of restrictions on the use of public school buildings by subversive groups, Justice Spence said, "There could be no valid constitutional objection to a limitation or exception...to those who advocate lynching or who advocate the assassination of the President of the United States or who advocate other crimes of violence against persons; and for similar reasons, there can be no valid objection to denying the use of such buildings to those who advocate the overthrow of the

government by force and violence. It is impossible to divorce crime from its criminal aspects even though it may be committed for a purpose having a political tinge; and the advocacy of crime does not become sacrosanct merely because of the nature of the motives or purposes of its advocates."

The proposed legislation, adding the words "Communist Party" for purpose of specificity, contains none of the general and sweeping generalizations found in the objectionable words "directly or indirectly affiliated, by any means whatsoever," and thus must pass where the other statute failed when it was ruled, under the Peek case, to be unconstitutional in 1942.

Dealing now with the second ground in the Peek decision, whereunder the court refused to take judicial notice of the nature of the Communist Party as advance by the proponents of the earlier statute, it should be noted that this ground was the cornerstone of the case and controlled its outcome.

CHAIRMAN CROWN: Mr. Francis, you have one minute to go. I wonder if you would conclude and if some of your remarks are not finished if you would file your entire statement with the Committee so we can make it part of the record.

ASSEMBLYMAN FRANCIS: I'll do that Mr. Chairman. I would like to cite in this regard because it does overcome the Peek case that Steinmetz v. California State Board of Education, also People v. McCormick, and several of the State statutes and federal statutes which clearly show that the federal legislation in the field of anti-subversion has not pre-empted State action in local elections.

CHAIRMAN CROWN: It is now 4:30, Mr. Francis, if you will file your entire statement with the Committee, we'll make that a part

of the record.

ASSEMBLYMAN FRANCIS: Thank you, Mr. Chairman.

CHAIRMAN CROWN: Thank you very much, Mr. Francis, and thank you ladies and gentlemen for taking your time to appear before us today.

CLARA MC DONALD: Mr. Chairman, since I just quoted from my prepared statement, may I file my full statement?

CHAIRMAN CROWN: You certainly may, Miss McDonald, thank you.

ASSEMBLYMAN UNRUH: I wonder if you'd make a formal request that the Chairman look up that case she was quoting, too.

ASSEMBLYMAN FRANCIS: I so request, Mr. Chairman.

CHAIRMAN CROWN: Well, unfortunately I would have to look elsewhere than in the statutes of the United States; so I don't know where I would look, Mr. Francis. Mr. Francis, thank you very much for all of your efforts today. I realize how much work went into presenting your information. The Committee will call another meeting in the near future prior to the convening of the Budget Session in February, 1962. At that time we will permit all of those who wish to speak in opposition to the bill. We do not, as yet, know the date of that meeting nor the place; however, anyone who is interested may either write to the Committee Secretary or leave his or her name or address today, and they will be put on the mailing list so they will be informed of the time and place of that meeting. I would like to direct just a couple of remarks to the members of the Committee. You have before you a draft of the final Committee report of Elections and Reapportionment. If at your earliest convenience you would look over that report, and if you would desire please sign the covering letter so that we can get our report into print. Thank

you very much, ladies and gentlemen. The meeting is adjourned.